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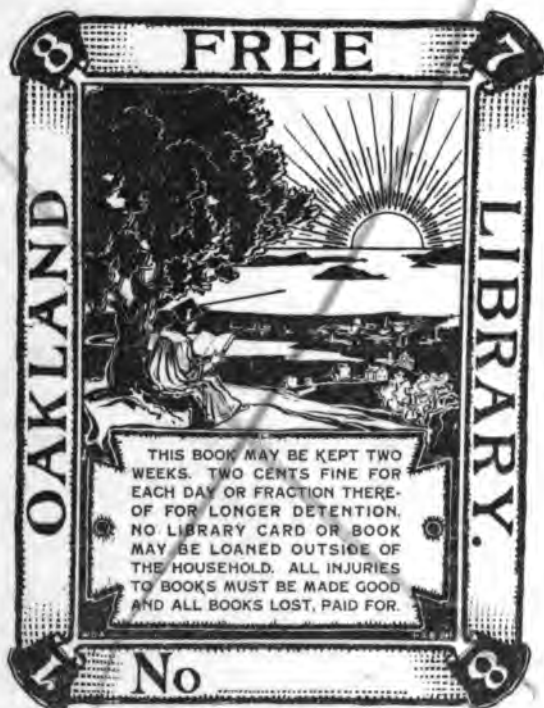
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PROCEEDINGS OF THE PITTSBURGH
CONFERENCE FOR GOOD CITY
GOVERNMENT AND THE FOURTEENTH
ANNUAL MEETING OF THE NATIONAL
MUNICIPAL LEAGUE

Held November 16, 17, 18, 19, 1908

At Pittsburgh, Pennsylvania

CLINTON ROGERS WOODRUFF, EDITOR

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OAKLAND, CALIFORNIA

NATIONAL MUNICIPAL LEAGUE

1908

PREFACE

Each succeeding conference of the National Municipal League represents a step forward; but the Pittsburgh meeting represented a somewhat longer one than usual. As at Providence, coöperation and coördination were the dominating notes. There were two joint sessions with the American Civic Association, which held its annual meeting at the same time as and in close juxtaposition to the League. There was also a Civic Exhibit which represented the coördination of the work of the Pittsburgh Survey; the Bureau of Municipal Research of New York through its Budget Exhibit; the Committee on Congestion of Population in New York; the New York City Club; the Pittsburgh Bureau of Health; the Associated Charities and the Department of Public Works of Pittsburgh; the Federation of Churches and Christian Organizations of New York; the Kingsley House Association and the Tuberculosis League of Pittsburgh, and the Civic Club of Allegheny County.

This Exhibit, which was very happily termed "a program of visualization on civic problems," demonstrated in a most striking manner what was being done to concentrate before the public the facts of the congestion of population, the reckless expenditure of municipal funds, the need for better housing conditions and what is being done to improve these conditions. The results of the highly important and significant Pittsburgh Survey, conducted by the Publication Committee of Charities and The Commons, with the coöperation of the Sage Foundation and the Pittsburgh Chamber of Commerce, were for the first time made public, and their significance described by experts in a series of papers, which likewise dealt with their relations to the whole municipal problem, as well as to those administrative and political phases to which the National Municipal League has from the first given chief place in its consideration.

Another important phase of the municipal problem was taken up and considered in a broad, comprehensive and discriminating way by a group of men who have given earnest and thoughtful attention to the subject, namely, The Relation of the Liquor Question to the Municipal Problem. The treatment of this difficult and complicated phase of city life was by municipal experts from the municipal point of view.

A suggestive discussion was had in the matter of municipal health and sanitation by engineers and sanitarians and the control of public utilities was considered from the point of view of those who have been actively identified with the more recent experiments of state control in Massachusetts, New York and Wisconsin.

The Bureau of Municipal Research idea was thoroughly exploited, not only by officers of the Bureau, but by those who have been giving city finances and budgets thoughtful attention for many years. The development of interest in this particular phase of city work has been most encouraging and most gratifying to the League in view of the very considerable amount of study and investigation which it has given since 1900 to municipal accounting and reporting.

The old and yet ever new question of militant citizenship came in for fresh treatment at the hands of those who are actually engaged on the firing line. No panaceas were offered; but a very considerable amount of fresh experience was brought out which cannot but prove helpful to those who are actually engaged in putting into force and effect the principles for which the League stands.

Taken all in all, the present volume of Proceedings represents a very important addition to the literature on municipal improvement and will no doubt prove, as its predecessors already have, suggestive and helpful in a high degree.

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**FOURTEENTH ANNUAL MEETING OF THE
NATIONAL MUNICIPAL LEAGUE**

AND THE

**SIXTEENTH NATIONAL CONFERENCE
FOR GOOD CITY GOVERNMENT**

HELD AT

PITTSBURGH, PENNSYLVANIA,

IN CONJUNCTION WITH THE

AMERICAN CIVIC ASSOCIATION,

November 16, 17, 18 and 19, 1908.

78784 ✓

JOINT MEETING.

MONDAY AFTERNOON SESSION.

CHAMBER OF COMMERCE, Monday, November 16, 1908, 3 p.m.

THE first session of the convention, which was a joint meeting with the American Civic Association, was called to order in the Chamber of Commerce at 3 p.m. on November 16, by J. Horace McFarland, of Harrisburg, President of the American Civic Association and a member of the Executive Committee of the National Municipal League.

THE CHAIRMAN: The joint session of the National Municipal League and the American Civic Association opens this afternoon with a welcome first to be extended to these organizations by your distinguished townsman and our fellow member, Mayor George W. Guthrie. [Applause.]

MAYOR GUTHRIE: *Mr. President, Ladies and Gentlemen:* As I have been so long connected with the work of the National Municipal League, it would seem of becoming modesty in me to refrain somewhat from laudatory references to its work. But on an occasion of this kind I feel that I am justified in speaking to you from the citizens of Pittsburgh and saying to you what they know of your work, how much they appreciate what you have done in the past, what your sacrifices of your personal convenience have meant to you, and to thank you in the name of civic improvement

PITTSBURGH CONFERENCE

and of humanity for what you have done. The work which has been done in the past in calling public attention to the deficiencies in municipal government, to the failure to meet those needs of the people for which civic governments were established, of the means to rectify these deficiencies—all these things have been helpful, and we believe that with the garnered experience of the years past you will be able now and in the future to give continual assistance in this line of work.

There is in the city of Pittsburgh today a living, powerful sentiment working for civic betterment. The people are conscious of what they lack, they have awakened to what they can get, and I believe there is a strong determination among them to secure it. Civic administration has too long been simply or largely a matter of political favor or of disbursements more or less recklessly of a certain sum of money annually and the distribution of favor and franchises. The people know now that that is not the purpose of city government; that the true, just purpose of city government is to make the lives of the people in our congested community safe, healthy, happy; giving them an opportunity to develop and to grow, and to free and protect them from those evils which necessarily follow from great centers of congestion unless the matter is properly directed and controlled by city government. No other power is sufficient. Individual effort is powerless. Aggregated individual effort, unless backed by the power of the state, is helpless to protect the people and give them what they ought to have. Believing this, we welcome you here on this occasion. We wish you continued prosperity and success in your work. We hope that your stay with us will be pleasant, and that it will be what you most earnestly hope for, beneficial in promoting those great objects for which you have been organized.

I won't go through the sham of extending to you the liberties of the city. You know as I do, that you come here of right, as every good citizen has a right to go to any city in the pursuit of pleasure or business, or any other lawful purpose, and I therefore have no patience with the sham of imitation of an Old World's custom, which has no place with us. I know that you would rather be here as of right than as of favor, but I feel that I can say to you from the people of Pittsburgh that you are welcome among them, that their hearts and their hospitalities are open to you, that they are ready to hear from you, and that with all their hearts they wish you health, happiness and success in your great work. [Applause.]

THE CHAIRMAN: We are the guests, not only of the city of Pittsburgh, but of the institution housing us at this minute, the Chamber of Commerce, and we are now to listen to some words of welcome from Mr. Lee S. Smith, its efficient president. [Applause.]

Mr. SMITH: *Ladies and Gentlemen:* Having been welcomed within the borders of the city of Pittsburgh by our honored mayor, and having obtained no doubt the traditional key that admits you through the gates, and having the password to get through the outer guard, you arrive at the Chamber of Commerce rooms—our home; on behalf of the Chamber of Commerce of Pittsburgh I bid you a hearty welcome. I feel this is eminently proper for more than one reason, and also that we do it from the

**The Chamber
of Commerce
and the Mayor**

same platform, because sometimes the Chamber of Commerce has been credited with trying to run the mayor, and sometimes the mayor has been credited with running the Chamber of Commerce; so we appear on the platform today to show you we are heart and heart trying to do something for Pittsburgh, and not trying to run each other at all.

Chambers of commerce in times past, so history tells us, were of a very different character from what they are today. We find the first chamber of commerce was organized in Marseilles, France, in the early part of the fifteenth century, and while I am not going into the history of chambers of commerce in any sense, I just want to refer to this one fact, that it was organized for the perpetuation and betterment of the business conditions of those engaged in the enterprises of its organization. But the chamber of commerce got to meddling in state affairs to such an extent that one was suppressed in the early part of the seventeenth century and was not restored until the latter part of that century, when they became stronger than ever; so strong that their example was followed in Great Britain where the first chamber of commerce was organized in 1783. They still maintained that their duty was to better the commercial conditions and they adhered to that pretty closely and hewed very closely to that line. But I want to say to you (what you already know, who know our own Chamber of Commerce) that we have branched out considerably from that idea and most chambers of commerce have in this modern day, realized and recognized that men are placed in this world for something else than mere commercialism, that there is a responsibility resting upon them, placed there by God either to lower the world or to raise it. [Applause.]

And we hope and trust that our Chamber of Commerce realizes that its part is going to be devoted to raising the world a little higher and making it a little better. And so far as your organizations are

**The Chamber
and Civic
Conditions**

concerned, we are glad to say that our Chamber has been trying to work hand in hand with the various ideas and aims which you have in view, and there is nothing that we desire more than the benefit of our home city's condition. From that to the state, and from that on up to the nation, the Chamber of Commerce of Pittsburgh will always do its part, so far as we can see it. And I want to say proudly, that this Chamber furnishes some of the best

PITTSBURGH CONFERENCE

workers that ever supported a chamber of commerce. They give their time, as you do, to their work. They give their brains, their intellect, their endeavors for the betterment of our civic conditions, and will gladly aid you in the work which you are undertaking and carrying on. [Applause.]

There is in old Westminster Abbey, in the Poets' Corner, an epitaph that attracted my attention the first time I was there a good many years ago, and I have gone back to it every time I have gone to that mausoleum of England's mighty dead. The epitaph is peculiar for two reasons, first because of the words inscribed on that tablet, and second because of the fact that the man who lies beneath the stone wrote the epitaph for his own tomb. It is the tomb of John Jay, poet. These are the words:

"This world is a jest and all things show it.
I thought so once, but now I know it."

Just hard by that tablet is another erected to the memory of the Wesleys, and on that tablet are inscribed those world-wide and never dying words of John Wesley: "This world's my parish," and it attracted my attention by the wonderful contrast between the epitaphs and the conclusions of two men. One recognized the world only as a jest, whereas the other concluded that God had placed him here to raise the world a little higher and to preach the gospel to all mankind and make the world better because he lived in it.

We recognize, as members of the Chamber of Commerce of Pittsburgh, that we have got a work to do, that we are all doing something for the world, either to make it better or worse, and we are trying to make it better. In other words, we recognize that we are not only building character for ourselves, but reputations for our city, our state and our nation. In the language of one who can speak more beautifully than I can:

"We are building slowly but surely, whether we will or no;
Building, while the passing moments swiftly come and go;
Structures, whether good or ill, yet for all are building still.
God grant that our work may be fit for an eternity,
That the Master Builder may say,
When shall come life's closing day,
Well done, thou hast wrought with care;
Enter now our joys to share."

On behalf of the Pittsburgh Chamber of Commerce, we bid you a hearty welcome, you and your organization. [Applause.]

THE CHAIRMAN: The response on behalf of the National Municipal League to these words of welcome will be made by Horace E. Deming, Esq., Chairman of that organization's executive committee. [Applause.]

MR. HORACE E. DEMING: *Mr. Mayor, Mr. President and representatives of our numerous other hosts:* You extended to us a most cordial invitation to come to Pittsburgh and the hospitality of

Reasons for the Pittsburgh Meeting

Pittsburgh is far famed. Those were very persuasive reasons for our coming and might have been sufficiently persuasive of themselves; but there were other reasons also. In the first place Pittsburgh exemplifies, indeed is a conspicuous object lesson of, the working of the social and economic forces that compel the birth and the growth of cities. A visit to Pittsburgh could not fail therefore to be most attractive to the National Municipal League.

In the second place Pittsburgh is a typical American city, typical in the forces that created it, typical in its rapid growth and in its abounding material prosperity, typical also of the changes that inevitably take place during the conversion of a sparsely settled rural community into a center of commerce and industry and manufacture and exchange. It epitomizes in its own history the evolution of every considerable American city on the continent, and in its political experiences Pittsburgh has exhibited exactly the same woeful results from unsound business and vicious political methods as every other American city. It is in just such cities as Pittsburgh that the application of the principles of city government advocated by the National Municipal League is most needed; and it is precisely in Pittsburgh that the practical benefits of an earnest endeavor to apply those principles has been demonstrated again and again during the present administration of your city. Our League was therefore very glad indeed to come to Pittsburgh.

Rare indeed is it that an American city secures for its mayor a man in whom there is such a combination of high civic ideas and practical effectiveness as you have had in your present mayor. [Applause.] We congratulate you citizens of Pittsburgh on the recent marked improvement in your city government, and you will not hold it against us that the

Mayor Guthrie

National Municipal League has another reason, a personal one, for being glad to be here just now. Your mayor was one of our founders and is a valued member of our executive committee. We cannot help feeling a strong personal interest in his achievements or having a just pride in the triumphant vindication of our principle.

So, gentlemen, for these reasons and many more, the National Municipal League is in Pittsburgh. We ask you to come to our meetings, to lay aside for a few days your thoughts of your personal and business selves, to learn something of what has been happening in city government during the last year all over this wide land of ours, to find out something about the experiments that have failed and the experiments that are succeeding. We are endeavoring to inform ourselves and to disseminate information on this great topic of city government—one of the three or four crucial problems to be solved in this country, if your grandchildren and mine are to have a country.

In response to your welcome, then, we give you our invitation. Come and hear us. Even if it does bore you a little, it may be of some use to you after all. [Applause.]

THE CHAIRMAN: As the executive of the American Civic Association, it falls to me to acknowledge these words of welcome on behalf of that institution. To you, Mr. Mayor, and to you, President Smith, to the various constituent bodies extending this welcome (not forgetting for a moment the ladies, whom my predecessors have managed to forget so far) we extend our thanks for your hearty words. We recognize that this welcome to us is a significant welcome, differing absolutely from the welcoming words made to many conventions coming here for their own ends, finding in your city merely a railroad center, a place in which to eat and to meet, to which the perfunctory key of the city so cheerfully discarded by your mayor is usually extended.

This is not a perfunctory welcome, but I think a recognition of the fact that the American Civic Association and National Municipal League, its lusty brother, come here to do you service, to discuss problems before you of city life and city efficiency which have to do with the life, the health, the prosperity and the happiness of every citizen of Greater Pittsburgh. Everything in the four days' program which the gentleman who has preceded me has suggested might bore you, but which I do not believe will bore you, has to do with something which would make Pittsburgh a better place in which to live. Therefore I say, gentlemen and ladies, we realize that the welcome is a different welcome, it is not a perfunctory welcome. We come among you not to be entertained, but to bring to you the mes-

**The Message
of Civic
Advance**

sage of civic advance. That you need this message is evidenced very fully by what has been said and by the further fact, by the truism indeed, that no city stands alone. Pittsburgh, no more than any other city, may stand or fall by herself.

I venture, ladies and gentlemen, to extend the hope that Pittsburgh will join the great sisterhood of cities whose ideals will be high, so much higher than present ideals, that the great achievements of the present will seem in those days to be but trifles. Ideals having to do with efficiency first, and with the following commercial supremacy afterwards. That this is the view held here is obvious, for the words said in our hearing by your honored mayor, the man who is making the name of Pittsburgh famous through the country for efficiency in municipal administration, indicate a high ideal. He says to you that he is working to make the lives of the people in Pittsburgh happier.

That this point of view is that of the Chamber of Commerce, whose guests we are this day, is indicated not only in the eloquent words you have heard from President Smith, but in the language of that significant report of the operation of this Chamber of Commerce for the year just ended, in which I find these remarkable words: "Commercial supremacy is impos-

sible in a community that lacks civic spirit or is indifferent to civic decay. Therefore, ladies and gentlemen, it seems that you recognize the animus which brings us here, and I sincerely hope that in the days which follow we may do something not only to show you how much we thank you for your welcome, how much we value your kindly hospitality, but that we may do something to make you feel that it has been worth while for us to have been here.

We come on a very practical message—both associations. I will not say as to the aims of the National Municipal League, with which you have been made acquainted. The American Civic Association seeks very definitely to make conditions better in Pittsburgh. It is very glad to see some of the landscapes a year or two ago absolutely invisible, because some of the smoke has gone. It wants to talk to you about getting rid of the rest of it, a great economic and health-giving advantage. It wants to see the civic heart of Pittsburgh's municipal display of beauty changed from pale blots to buildings. It wants to see your narrow, tortuous avenues in some way taken in hands by a master mind and made avenues of beauty, which beauty will be immediately reflected in the efficiency of your citizens. It wants to see your green spots, all too few on your city map, multiplied so that the men in the factories may have a chance at God's fresh air and green grass.

These and many other problems relating to the daily life are those which bring together the men and the women of the American Civic Association, and they are the impelling motives which have caused you to extend to us the kindly welcome for which we so heartily thank you. [Applause.]

The next item on the program is one I want to introduce with just one word. If anyone on the broad continent of America wants to know anything about any municipal or improvement problem, all he has to do is to write at once to Philadelphia, where in the North American Building is a man of marvelous energy, even more marvelous memory, and yet more marvelous and widespread knowledge, the secretary of the National Municipal League, the secretary of the American Civic Association, and also its first vice-president, the head of that commission in Philadelphia which is seeing to it that a man votes only once and that where he belongs. This man, Clinton Rogers Woodruff, has written seven thousand eight hundred and fifty-six pages, representing 10 per cent of the municipal activity of the past year, which he will now read to you. [Laughter and applause.]

MR. WOODRUFF: After the introduction I feel like abandoning the modest (?) manuscript which I have produced for the purpose of having it printed in the Proceedings. Taking a glance over this audience I do not believe I could do better than to call your attention to the fact that we have right here in our midst a man who by reason of his fearless discharge of his duties was unanimously rejected by the ma-

Judge
Lindsey's
Reelection

chines of the two parties and as a recognition of the right of the public to vote for the man they wanted, offered himself as an independent candidate and who, notwithstanding the fact that it was a presidential year, beat both the regular Republican and the regular Democratic organizations' candidates. I refer to the triumphant victory of Judge Lindsey of Denver. [Applause.]

I feel also like saying a word in regard to the splendid work that the Mayor of this city is doing, work which most of us will not fully appreciate for years to come, so complete, so far reaching and so fundamental is it; a man who has kept his ante-election pledges and kept them seventy times seven; who has made good in the very best sense of the word by carrying them out with an eye single to the public good and with a full appreciation of his duty and obligation to the present as well as to the future.

I wish that I might have time to go over this audience and pick out the various men and women that I see here and intimate to you some small part of their civic endeavor. One man whom I see has not only given generously of his means, but far more generously of his splendid business ability, that the parks of his city might be an ever present help to the large population surrounding them; I might speak of the work that has been done here in the city of Pittsburgh by Mr. English the former president of the Chamber of Commerce, who has taken the splendid energies of this organization and directed them toward high and definite civic lines; and the splendid work Mr. Smith has done in carrying on that work. I might go on and in a practical way illustrate to you by personal references what are the American municipal tendencies of the present day. But there are other things that I want to say, and I am very much afraid if I permit myself to speak extemporaneously I shall not say them.

Mr. Woodruff then read abstracts of his annual review, "American Municipal Tendencies," which is printed in full in the Appendix.

THE CHAIRMAN: Now, that we have had this comprehensive survey of the general situation, we need to take up some of the details of the work for which we have gathered. The work of boards of health is of particular importance and significance. We are to have a paper on that by Dr. George A. Soper, of New York, Chairman of the Metropolitan Sewerage Commission of that city. As Dr. Soper is detained at home by illness Dr. Alexander C. Abbott will present the paper.

DR. ABBOTT: *Ladies and Gentlemen:* At the June meeting of the Committee on Municipal Health and Sanitation held in New York City, it was decided to authorize one of its members to prepare a paper that would represent the joint views of the committee and that would offer certain suggestions along which lines of improvement of public health might be projected. Dr. Soper was good enough to offer his services, and the paper which I shall read to you has been prepared by him, has been submitted

to the committee, approved by each member of the committee, and in a general way represents the voice of that committee. There are, however, several features of this paper and phases of the subject that have been touched upon that are open to debate and doubtless will be debated by others as well as members of the committee.

Dr. Soper's paper, on "The Work of Boards of Health," which was then read by Dr. Abbott is printed in the Appendix.

THE CHAIRMAN: The paper which has been read will now be discussed by Dr. Abbott.

DR. ABBOTT: The time remaining at our disposal admits of but a brief discussion of Mr. Soper's interesting paper. I shall restrict my remarks, therefore, to that phase of it which appeals to me as most important, namely, his reference to the functions of the boards of health, whether the duties of such boards should be restricted to the application of those fundamental safeguards known to prevent disease, or whether their efforts should be extended so as to include what he refers to in his paper as the "aesthetics" of public health.

I know of no community in which the routine public health work is done as well as it should be, or as well as those responsible for its administration would like to see it. Until, therefore, the machinery for the correct administration of the elementary principles of preventive medicine is so perfected that it will practically run automatically, and will guarantee efficient safeguards against the commonest and most conspicuous dangers to health, I think it would be extremely unwise to require health authorities to extend their operations into fields which may be of but a doubtful public health significance. In other words, I would prefer to see a few important duties well done, than many duties either imperfectly done or not done at all, except on paper.

I would scarcely regard it as a function of the board of health, unless all of its other work is perfectly performed, to enter upon the control of noises in a big municipality. That question could equally well be settled by the police department, and I believe it is the proper function of that department to settle it.

Again, I can scarcely regard it as necessary for a board of health to take up such a matter as the smoke nuisance, for when that question is approached from the health standpoint, a division of opinion is sure to arise, and my thought is that if a successful war is ever to be waged against the smoke nuisance, it will be more certainly victorious if the health question be left out entirely. There can be no division of opinion on the nuisance maintained by an atmosphere charged with smoke. It is destructive to property and is in every way unpleasant, and there would be no dissenters from the declaration that smoke in the air con-

Aesthetics of Public Health

The Smoke Nuisance

stitutes a *common* nuisance, but if an effort be made to declare smoke in the atmosphere a nuisance prejudicial to the public health there will be almost as much testimony that smoke does not cause disease, as there will be that it does, and little can be accomplished where such division of opinion exists.

I would put nothing in the way of the appropriate extension of work of a properly organized and supported health department; provided, as I said above, their fundamental duties are performed in as perfect a manner as possible, but I would insist upon that condition being fulfilled before the extension of their functions and dissipations of their energies be encouraged.

Insofar as I am acquainted with the organization of public health work in different municipalities in this country, I think we will find that their work has been pretty well cut out for them, if detailed attention be paid to the control of contagious diseases in their manifold aspects; if the systematic inspection of children in the public schools, together with the giving of help to such children as may be benefited, be conscientiously pushed; if prompt abatement of conspicuous nuisances, generally admitted to be prejudicial to the public health be the watchword, and if the control of the food and drink supplies, and the correct registration of vital statistics be conducted in conformity with modern views.

THE CHAIRMAN: *Ladies and Gentlemen:* Dr. Abbott is from Philadelphia. I might be pardoned breaking in here to say that once having last year been a resident of Philadelphia (involuntarily because the hospital claimed me) I could have differed with the doctor as to the effect of noise on health and until the physiologists have changed the dicta we find in the text books, that the best gas to breathe is a combination of oxygen and nitrogen and that nicotine and carbon added do not improve it, I shall have to feel for myself that excessive smoke as well as excessive tobacco are both inimical to real healthy conditions as well as to real pleasant conditions.

But I am not in this discussion. Dr. J. S. Edwards, Superintendent Pittsburgh Board of Health, will speak on the subject from the Pittsburgh point of view, if he is so minded. [Applause.]

DR. EDWARDS: The last few years have witnessed a rapid advancement in the work of health boards. This is due chiefly to the increased knowledge of the causation of disease, especially that class of diseases coming under the category of "preventable," knowledge based upon scientific facts established in the laboratory by students and workers, both public and private. The application of this knowledge to preventive medicine has put the work of health boards upon a rational basis, in which obsolete traditions and quackery have no place.

Progress has been aided as well by the attitude of society, which is organizing to fight preventable diseases and to correct those conditions which tend toward physical deterioration of the race. No better evi-

dence of this is needed than the study of the program of this convention, which gives a prominent place to a consideration of those conditions which make for the physical uplift of man. This attitude of society opens up new fields for the work of the health officer, and spurs him on to the attainment of results made possible by the spirit of coöperation. In his work there can be nothing of the mysterious or spectacular, nor can he surround himself with a halo of convention. He must take the public, whom he serves, into his confidence, and demonstrate, by common sense methods and definite results, that their confidence is not misplaced. Prepared as he should be by his position and its opportunities for gaining a practical knowledge of public health matters, he becomes the leader of the public in the application of the principles of sanitary science and the need for compliance with the rules and regulations necessary to carry them out. Were the purpose of rules and regulations better understood, there would be fewer violations.

Violations of health laws are frequently due to the lack of knowledge of their purpose or utility. In cases where violations are due to indifference or viciousness, the only remedy is the governmental "big stick." To put it more concretely—the public must be taught such things as the principles of prevention of communicable diseases, and the need of enforcing the regulations governing their control; the dangers of bad milk and the necessity for measures directed toward its improvement; the danger of impure water, of stream pollution, of bad housing conditions at home and in their places of work; the necessity for eradicating breeding places for flies; the proper care and feeding of infants; and the many things which concern their welfare as individuals and the welfare of the state. Many, the majority, will profit thereby, applying the knowledge gained to themselves, and become instructors and agents in bringing others into line. It remains for the health officer to protect the willful and the ignorant in spite of themselves, for the larger purpose of protecting others.

Much of the most fruitful work of health boards lies in securing the active and continued efforts of private or unofficial agencies, thus enlisting a vast constituency to supplement and aid official work ere bringing them into closer touch with the public. The importance of this is well illustrated in this city by the work of various organization directed to the improvement of municipal affairs. Among others may be mentioned the Allegheny County Medical Society which, through its milk commission, has been carrying on a campaign of education for an improved milk supply—a movement carried on with the main object of securing good milk for Pittsburgh, and of supplementing the work of the health bureau;

By the work of the Civic Club and of the Chamber of Commerce, in educational and constructive measures having for their object the improving of housing conditions in the city;

The Attitude of Society

Unofficial Agencies

By the work of the Chamber of Commerce in holding a dairy and milk contest for producers, bringing them to a better practical understanding of the necessity for the adoption of improved methods of handling milk, through a frank discussion of the question with expert authorities;

By the work of the Tuberculosis League and of the State Tuberculosis Dispensary in the prevention of tuberculosis;

By the work of agencies outside of the city, but working harmoniously with its best interests;

By the Pittsburgh Survey, whose work has made for sociological advancement; and

By the Typhoid Commission, made possible by the Russell Sage Fund, working not only to find out the causes which produce typhoid in this city, but also to advance the fund of general knowledge as to the etiology of this disease and its relation to social and industrial conditions.

The education of the public in sanitary matters, and the coöperation of all social organizations, public and private, with the health officer is essential to progress. But in bringing this about, the everyday duties and routine of administration must not be neglected, but must be regulated from a business and commonsense point of view. Spectacular or sensational short-lived campaigns will not accomplish much if they are not followed by sustained and systematic effort. On the other hand, those not in touch with administrative difficulties frequently become impatient of results.

Spectacular Campaigns Ineffective

The idealist and theorist in sanitary matters may point out the way and suggest lines of progress, but the real and lasting results are accomplished by the practical sanitarian, who in his official capacity presses onward, marking his advance by prejudices removed and administrative difficulties and limitations overcome.

The essential function of health work is the prevention of disease, more especially that class which is known to be communicable. The importance of this has long been recognized everywhere, especially for the subclass of so-called contagious diseases. Recently other diseases, notably tuberculosis, have been added to the category of those coming under administrative control.

In measures of quarantine, isolation and disinfection, efficiency depends to a great extent upon the intelligence and coöperation of the public, and still more upon the medical profession. In order to secure this, the rules and regulations governing these measures must be based upon scientific knowledge, and the natural history of the disease to which they apply. The non-essentials must be eliminated. Interference with the wage-earners' means of livelihood and with school attendance must be minimized as much as possible, compatible with the safety of the public. Unnecessarily stringent rules and regulations often defeat the very purpose for which they are intended by putting a premium on the non-report-

ing of cases by physicians, and the concealing of contagious diseases by the family. On the other hand, where the preventive measures employed are based upon practical utility, there are no other rules and regulations more necessary of enforcement. In the control of epidemics, the "big stick" must be used if needs be—the policy of *laissez faire* has no justification when the health of the community is endangered.

It is impossible to discuss all the various lines of work of boards of health within the limits of this discussion. The points especially to be emphasized are:

First, the necessity for basing all health work upon scientific knowledge, and applying this knowledge in a practicable way, and

Second, the education of the public in sanitary affairs, in order that a spirit of coöperation and of appreciation of public health work may be brought about.

For the latter, official health boards can not alone be responsible, nor is it the only agency. The medical profession, beginning with its national association, is organizing a system of public instruction, by which it is planned to reach every community, through public meetings, conventions, and the public press. Lay organizations also are organizing in the interest of public health, and are a medium for the dissemination of sanitary knowledge.

Hygiene should be taught in our public schools by men having a practical knowledge of the subject. If this were done in a practical, convincing way, the youth who will be the men and women of tomorrow would go out into the world with a practical knowledge of how to avoid preventable diseases, and of right living.

In the latter part of the paper read by Dr. Abbott mention was made of the necessity of establishing schools and colleges to give advanced instructions in the matter of a sanitary science. That has been done in a number of schools throughout the United States, and I am very glad to say that within the present year both the leading Pittsburgh schools, the University of Pittsburgh and the Carnegie Technical Institute have adopted just such courses. [Applause.]

MR. CHAIRMAN: Mr. M. N. Baker,¹ one of the editors of Engineering News, New York City, and a member of the National Municipal League's executive committee as also of its Committee on Municipal Health and Sanitation, has been prevented by illness from attending, but sends the following discussion of Dr. Soper's Report.

Dr. Benjamin C. Marsh of New York, Secretary of the Committee on the Congested Population of New York, is also on the program, but his duties at the Civic Exhibit prevent his presenting the paper in person. It will be included, however, as a part of the proceedings.

¹Mr. Baker is also President of the Montclair (N. J.) Board of Health.

Mr. BAKER: The multifarious duties of boards of health have been made evident by Dr. Soper's excellent review of the subject. Of the many questions which the paper raises for discussion two major ones present themselves: (1) Just what is the proper field of health board work, and (2) how should that field be divided between the city or town, the state and the nation. The first of these questions

**Board of
Health Work
Should be
Health
Protective**

Dr. Soper has perhaps answered as fully as the present occasion demands. The work of boards of health should be essentially health protective. This statement may seem to be so obvious as to be ridiculous, but the author has ably shown that much health board work in the past and no little such work at present has no direct relation to health. This has been and is due to a general misconception of what public health work involves.

As to the involves proper division of the field between the locality, the state, and the nation—and it is around this question that I should like to see most of the discussion center—it is obvious that upon local boards of health should fall nearly all the labor of preventing the spread of disease in specific localities and of doing what can be done at present to promote the general health of the public. In the daily routine of health-protective work in a community the state should interfere only in some dire emergency, as when an epidemic has got beyond the control of a local board—a state of affairs which will rarely if ever arise where an efficient local board of health exists.

The chief functions of state boards of health, as regards specific localities should be of an advisory and regulative or supervisory character. Questions arising infrequently in any given community, and particularly in the smaller towns, may readily be answered by the state board. The state board should also establish standards of practice and efficiency to which it should have the power to hold the local boards.

A somewhat different but very important function of state boards of health is control of the design and operation of public works, the improper design and operation of which would menace the health and life of a whole community or perhaps of many cities and towns. Public water supplies and sewerage systems fall in this class. Even those who would object to state interference with the water supply of a single community would agree to the propriety and necessity of central control where the sewage of one city might infect the water supply of another city and give rise to a typhoid epidemic there, as has so frequently happened in this country. It should be remembered that in these days of free movement of population the water supply of any given community may be a menace to the lives of citizens of many other places, as they come and go in their travels. Thus the water supply of Pittsburgh, now purified by a modern

filtration plant, was for many years a most efficient agent for the spread of typhoid fever over the whole country. The time may yet come when such a condition will be considered a fit subject for national interference.

Analogous in some respects to water supplies and sewage disposal, and like them fit subjects for state supervision, is the public milk supply. This is particularly true of dairying sections from which milk is shipped to many different communities, or perhaps to several states.

Vital statistics have been characterized as the very basis of all public health-protective work and have been properly recognized by Dr. Soper. Their collection, compilation and circulation can be best done by the state board of health and rarely will be properly done by any other state agency, such as the secretary of state. Primarily, however, the recording and reporting of vital statistics rests upon the several communities. Here, also, the local board of health is the only proper body to undertake the task, and here, if anywhere, there should be rigid supervision, by the state board of health to see that the records are complete.

We come next to the place of the national government in health-protective work. Under our scheme of government, where the nation has only such powers as were delegated to it by the several states long before

**The Place
of the
National
Government**

health board work was thought of, what remains for the general government to do after local and state boards of health have exercised their functions? If our general government stood in the same relation to the several states as do the states themselves to the communities composing them the answer would be obvious. And, too, there would be plenty of work for a national bureau of health, for but a few of our states have yet made any approach to efficient public health administration. As the case now stands, however, the chief health-protective functions of the national government seem to be educational and of an interstate regulative character. The protection of interstate waters from pollution, the sanitary supervision of foods and drinks passing from one state to another, quarantine, and like matters fall properly within the scope of the national government. Interstate milk supplies in particular, as has been suggested already, afford ample scope for a national health bureau.

The possible educational work of the general government (and the same is true of the state governments) includes as a partial basis a considerable amount of experimentation which is beyond the powers of local boards of health and which, if done by a central body or bodies, would save much useless duplication.

If we turn to the United States Department of Agriculture we can find plenty of examples of the educational and experimental work that might be done by a national health bureau. The numerous studies and pamphlets on the diseases of plants and animals made and published by the Department of Agriculture could easily and profitably be duplicated with proper modifications, in the interests of human instead of plant

and animal life. Latterly the reorganized United States Public Health and Marine Hospital Service has done considerable valuable work along this line.

It is an open question how far a national health bureau should go in making strictly local investigations and in helping suppress local outbreaks of disease. Its recent highly efficient work on yellow fever at New Orleans and elsewhere was of course justified because of the interstate relations involved. Its notable investigation of typhoid fever at Washington, D. C., was also obviously justifiable, since it dealt with the very seat of our national government.

The Washington typhoid study suggests that other investigations relating to the public health might be profitably conducted in the District of Columbia.

Although not health board work, why could not our general government make up some of the deficiencies in health-educational facilities mentioned by Dr. Soper, and so obvious to every student of public health questions, by providing or aiding schools of public health? For years past the United States has made large annual appropriations to the state agricultural schools. Why not do the same for state health schools? Why not have state health experiment stations, also, as well as state agricultural experiment stations, the health schools and health experiment stations cooperating and a national bureau of health serving as a clearing house for the information thus gained, as well as a distributor of vital statistics and other data relating to the public health of each and all the states of the Union?

Finally, is it not apparent that this whole question of the work of boards of health, and of the relations between national, state, and local health-protective work, demands as careful study by the National Municipal League as was put by it upon its Municipal Program and as has been and is being put forth on municipal accounts and reports?

THE CHAIRMAN: Mr. Marsh is doing work in connection with the wonderful exhibit at the Carnegie Institute, and his part of the program this afternoon is in getting that into better shape for you, but we have his paper and it is presented herewith.

DR. MARSH: One is forced to admit the claim of Dr. Soper that there has been a good deal of charlatanism in claiming certain authority for boards of health. It is equally true, however, that the improvement of social conditions in our great cities, particularly, which we all recognize as necessary, can best be achieved on the basis of health measures. Often, in fact, supervision can be exercised by the board of health which could not be exercised by any other authority, and this is a department of the municipal government with which the interference of politics is most resented, and, therefore, probably presents the best opportunity for Constructive Effort

for constructive effort and the greatest freedom from the blight of political interference.

I shall advocate certain rights and duties of the board of health which may be regarded perhaps as radical, but it will be perfectly apparent that no measure is advocated, the failure to make provision for which will not demand the attention of some other department of the government, usually when it is too late for their effort to be of much avail. In our policy of municipal government we adopt, to an alarming extent, the theory of *laissez faire* which, when applied to social well-being, usually means "Don't do anything until it is too late to do it and then do it with all your might." The preventive scope of action of the boards of health are generally, however, recognized.

There has been an earnest discussion in England as to whether the medical inspection of the children in schools should be conducted by the board of education or the board of health, and the point has been well made that, since the board of health is charged with conserving the health of all members of the family, since it is responsible for the health of the children under school age and the health of the children over school age, it is appropriate that the physical examination should be conducted by the officers of the board of health, working at least in very close conjunction with the authorities of the board of education.

Medical Inspection of Children

The board of health should, however, make a physical examination of every child over six months of age at least once a year.

This may, perhaps, be regarded as an alarming innovation for boards of health, but the necessity for such examination is constantly apparent to those who have made any careful study of the actual physical defects among young children. Whether this function of the board of health should be classified under the second main branch of public health work, the suppression of communicable diseases, or the third main branch of public health, the abatement of nuisances, to which Dr. Soper refers, is a question depending upon one's point of view of what constitutes a nuisance.

The writer in several years' experience in one of the child saving agencies in this state frequently had occasion to notice the physical defects of children under school age and the statistics of their defects is a trenchant indictment of our indifference to the physical welfare of children until we get ready to herd them into school rooms.

The relation of boards of health to housing inspection is another problem deserving of careful consideration. The most careful supervision of the living conditions of people in the world is probably that exercised in Liverpool, England, and in two or three German cities, notably Mannheim and Munich. In Liverpool an inspection is made at night by two officers of the board of health to see that there is no overcrowding or mixing of sexes above a certain age in the tenements of the city and in the poorer sections. Such supervision probably would not be permitted in

Housing Inspection

America by any other authority than that of the board of health, and that upon the basis of conserving public health. Without such supervision, however, our laws regarding the number of cubic feet required for each occupant are dead letters. It further is a question whether, except in a few large cities, the inspection of tenements might not wisely be transferred to the health department. In New York, a movement is now being initiated to combine the building department and the tenement house department.

Admittedly the enormity of the area and the population in New York makes it extremely difficult to effect such a combination of the health department and the tenement house department, but the failure to inspect carefully one and two family dwellings, which should house, in most American cities, the largest proportion of the population is disastrous in its consequences and it is imperative that the same careful supervision be exercised over all dwellings.

In conclusion boards of health have a most important duty to secure the demolition of unsanitary tenements and areas. Among the lasting disgraces of our American cities are the perpetuation of unsanitary areas and death traps which we euphemistically call "taxpayers," although they are really murder pests. The board of health should have much more extensive authorities to enforce the demolition of such areas.

It will be apparent that I would not in any way restrict, as seems to be the tendency of Dr Soper, the functions of the department of boards of health, but would greatly increase their scope of preventive effort.

CONCLUDING REMARKS OF DR. SOPER Several interesting matters have been dwelt upon by the gentlemen who have contributed to this discussion and a few remarks concerning the points raised may profitably be made in conclusion.

Dr. Abbott has forcibly emphasized the desirability of covering well the essential work which boards of health must do to prevent disease and has well said that all other work must be made subsidiary to this. Such undertakings as the prevention of unnecessary noise and smoke, important though work of this kind is, should not be done by boards of health at all, or, at least, not until the safeguards raised against the commonest and most conspicuous dangers to health have been made efficient. It is unwise to require health authorities to extend their operations into fields of doubtful health significance, and they should be slow to accept such duties. Many common nuisances are as certainly preventable through the operation of other

Dr. Soper's agencies, as, for example, the police department, as
Summing Up through a public health bureau. This view appears to the author of the paper to be eminently sane and worthy of acceptance as a principle of governing importance in public health administration.

Dr. Edwards has drawn attention to the increasingly favorable attitude of society toward public health work and has pointed out that it is

desirable to carry on the campaign against disease in a quiet as well as efficient manner. He well says that nothing of the mysterious or spectacular should attach to public health work. He rightly considers that the day for dramatic action is past, together with the foolish superstitions with which disease was once regarded.

Dr. Edwards is one of those who consider that the public should be taken into the confidence of health officers to a considerable extent. The health authority should, he thinks, be a leader of public opinion and should be capable of imparting much genuine instruction of a sanitary nature. He rightly says that much of the evils which public health authorities are created to correct are due to ignorance, not wilfulness, and that it is the duty of health officials to dispel this ignorance by teaching the public the principles and methods of preventing disease. Naturally Dr. Edwards lays considerable emphasis upon the value of unofficial agencies in assisting public health authorities in preventing the transmission of disease. No better illustration could be given of the effectiveness of such coöperation than the work which is being done in Pittsburgh to assist the efforts which Dr. Edwards is making in his official capacity as head of the health bureau.

As to the wisdom of boards of health sharing with the public the duty of investigating and eliminating the causes of disease much, doubtless, might be said on both sides, but the opinion of the author of this paper is that active work of this kind should be done by the legally constituted health authorities and not by private citizens or societies. In so far as the work is of a practical sociological nature intended to raise the standards of living for moral and religious reasons as well as for health purposes, philanthropic societies and other associations of laymen may properly employ their energies for the public welfare, but where the question at issue is only, or chiefly, one of health, the health authority should in the author's view be in supreme and undivided possession of the field. In case the health authority is not capable, through want of knowledge or equipment to do the health work of a city the health department should be reorganized. If, as Dr. Abbott says, it is the first duty of a health department to attend to those questions which most certainly and directly affect health it is no less clear, in the opinion of the author of this paper, that the health department should do all of this kind of work which may be necessary.

Mr. Baker chooses for his chief consideration two points: What is the proper field of health board work, and, How should that field be divided between town, city, state and nation? Mr. Baker agrees with Dr. Abbott that the proper work of boards of health is often not clearly understood by the public or by the boards themselves, and is apparently inclined to attribute much of the inefficiency of public health machinery to this fact and to the employment of untrained men in the technical positions. With this view the author is in full accord.

Most of Mr. Baker's discussion of the paper hinges upon the proper

division of the field of public health work between municipality, state and nation. The state boards, he considers, should be advisory, regulative and supervisory in character. They should establish standards of practice and efficiency for local boards to follow, to the end that the work of protecting the public health may be more uniformly and efficiently done throughout the commonwealth. This is an excellent point. It is highly desirable in the author's opinion that uniformity should exist, both in the methods of carrying on public health work and in reporting statistics. The measures which state boards of health are now taking to bring about greater uniformity and efficiency among the local boards are producing results, but there remains much to be done. Local boards of health in small cities and towns are often very incompetent and in need of clear and specific instruction.

An important function of state boards of health, Mr. Baker considers, is the control of the design and operation of public works such as water supplies and sewerage systems. The purity of public water supplies he says is a state problem usually beyond the jurisdiction of a single municipality and should be subject to regulation by a central authority. The author concurs in this view. In so far as questions of this kind can be regulated by the state it is obviously wise to have them so controlled. Where state boundaries make this form of management impracticable, it would seem that national supervision or a mutual agreement between the states concerned should be effected; in fact, something like an agreement between the states of New York, New Jersey and Pennsylvania is said to exist at the present moment with respect to the pollution of certain interstate waters.

Water supplies and sewerage systems, although good examples of subjects suitable for state regulation, are scarcely more important than milk supplies and other supplies of food. Quarantine does not seem to the author to be a proper subject for state control except as it relates to the quarantine of one city against another—a rare and exceptional possibility. In general, quarantine should be managed by the government.

Mr. Baker makes a plea for national regulation of certain health matters and gives reasons for his belief that such supervision is desirable. Just what form he would have the national health bureau take he does not specify, nor is it important that this should be mentioned in the discussion. The supervisory and regulative control which a national health bureau could exercise over the various state health organizations and its educative powers would undoubtedly be of much value.

Reviewing as a whole the remarks of the persons who have discussed this paper, and keeping in mind the opinions of his own which the author desires to bring out, the following matters are noted:

Greater efficiency is needed in the administration of public health work. This is required not because there exists an alarming prevalence of transmissible disease, but because it is very obvious that better work can be done. The opportunities which exist and the promise of reward which

would follow the employment of more effective methods of doing public health work were plainly apparent in the remarks of all who have contributed to the discussion.

It is agreed that greater efficiency does not mean greater publicity for the achievements of the health bureau, nor does it mean greater hardship to individuals or the public at large. Greater efficiency means a clearer knowledge of the work to be done and better ability to do it.

It is as important to know what to avoid as what to undertake. The more simple and direct work of preventing disease is the first duty and this should be done well before anything else is attempted. The board of health should, as far as practicable, do all the public health work of the city. Well trained men are indispensable for there is much technical work which cannot properly be carried on without them.

The city, state and nation each has separate functions and duties to perform in protecting the public from necessary sickness and premature death. These several fields of work are definite and are becoming better understood.

The public, by gaining a more enlightened knowledge of the principles and laws affecting the protection of health, is capable of materially lightening the work of health officials. Charitable and philanthropic societies and associations of business and professional people can help health authorities in various ways. But they should never do essentially public health work. The constituted health authorities should be capable of fully occupying this territory.

In the past years many important sanitary reforms have been initiated by philanthropic agencies and it is common at the present time for associations of business men to take the initiative in bringing about sanitary improvements. Theoretically it should not be necessary, with efficient public health work, for outside agencies to act, but practically, as boards of health now exist often with inferior equipment and inadequate public support, it is frequently necessary that public opinion should be roused by other forces than the health authorities.

It cannot be too strongly stated that the work of boards of health is to protect the public health. No health organization should be used to further a campaign against smoke or noise or billboards or other common nuisance. Recourse for relief from these discomforts should be sought elsewhere. Health officials will find their time fully occupied if they keep up with the growing demands which are made upon them in the direct and narrow line of their duty and employ the latest scientific methods for the prosecution of their work.

THE CHAIRMAN: there is no other discussion upon this subject as at present given we will adjourn until eight o'clock this evening to meet at the Second Presbyterian Church.

The joint meeting then adjourned.

MONDAY EVENING SESSION.

Monday Evening, November 16, 1908, 8 p.m.

The second session of the League was held in conjunction with the American Civic Association in the Second Presbyterian Church of Pittsburgh on Monday evening.

The meeting was called to order by Robert W. DeForest, Esq., of New York City, former tenement house commissioner of New York and vice president of the New Jersey Central Railroad.

THE CHAIRMAN: It becomes my pleasant duty to open this meeting very briefly.

MR. DEFOREST: When I was a boy there was a game of questions, called "How do you like it? where do you like it? and when do you like it?" I do not propose to put any of these questions now with regard to the Pittsburgh Survey, because none of you as yet are in position to answer them. I do propose, however, with myself to play a somewhat similar game which may be entitled What is the Pittsburgh Survey? Why is the Pittsburgh Survey? and, How has the Pittsburgh Survey been brought about?

What is the Pittsburgh Survey? What is the Pittsburgh Survey? It is a close range investigation of conditions of life and labor in Pittsburgh as a typical American industrial city, and it is a study made by many of the best equipped and most experienced social workers in the United States. Its results will be summarized in several numbers of Charities and The Commons to be issued during the winter, and will be later published in book form by the Russell Sage Foundation as one of its series of educational publications. The book will be somewhat analogous to that of Mr. Booth on London.

Why such a survey? Because to improve the social and living conditions of the working classes in our industrial cities we must first know accurately what and why they are, as we find them.

Why Pittsburgh? Pittsburgh was selected for this industrial survey not because Pittsburgh needed any special treatment, surgical or medical—certainly not because Pittsburgh needed any absent treatment, but because Pittsburgh was the typical industrial American city, and because

Why Pittsburgh?

in Pittsburgh has been found a degree of local sympathy and coöperation without which such a study, no matter how satisfying to the curiosity, could have no practical results. As to practical results, I find myself quite in sympathy with the old woman who had a smoky chimney of long standing. "John," said she to her husband, "that chimney is smoking again." "Yes," said he, "that chimney should be investigated." "John," said she, "what that chimney needs, is not investigating—it needs

attending to." Our Pittsburgh friends, however, should make no mistake. This is no invasion of vandal sociologists from the predatory wilds of Boston, Chicago and New York, though these cities are all represented in the Survey. We of other cities are here quite as much to learn as to teach, but if there are any smoky chimneys in Pittsburgh which need "attending to" after this investigation, they will have to be "attended to" by Pittsburgh itself. "Attending to," in order to be effective, must come from within and not without. If an outsider had tried to impose on John and Maria his particular patent remedy for their smoking chimney they would probably have united in resenting the interference and have thrown him out of the window, while that chimney might have gone on smoking.

How the Pittsburgh Survey has been made possible. By an unusual conjunction of coöperating forces, by what in these days of universal football enthusiasm may be better understood if called team play. There are Mr. Paul U. Kellogg, Director of the Survey with his assistants, Mr. Frank E. Wing, Prof. John R. Commons, of Wisconsin; Mrs. Florence Kelley, of New York but a Pennsylvania woman, and Robert A. Woods, of Boston, a Pittsburgh boy. They are in the rush line. Then your own citizens: Mayor Guthrie, Mr. English, until recently president of the Chamber of Commerce, Judge Buffington of Federal Court, Mr. Hall and others, not to speak of your settlements who are giving able interference, and the Russell Sage Foundation is in the back field. With such a team there certainly ought to be a touchdown somewhere.

I have been asked why Mrs. Sage's \$10,000,000 foundation is in the background. Because in these, and in other efforts for the improvement of living conditions in which it is taking part, it thinks it can accomplish most by being in the background. The Sage Foundation might be doing things all by itself, and if it was seeking for glory it would do so. The Foundation is not seeking for glory, but for results, and it believes that results can better be brought about by team-play—team-play in which, while it may contribute money and perhaps some direction, it can secure coöperation of such forces in and out of Pittsburgh as have coöperated here.

You may ask why is Robert W. DeForest presiding at this meeting? The Director of our Metropolitan Museum of Arts in New York remarked to me one day that he seemed to be getting lots of credit for what other people were doing. I am in the same position. I have for many years been president of the New York Charity Organization Society or Associated Charities, a group of societies of substantially similar name, which number more than 200 throughout the country, and to which your Pittsburgh society is a recent addition. This society publishes "Charities," and because the President, I am also Chairman of its Publication Committee. That is why I am here tonight, and with this brief explanation I shall introduce to you in turn, Mr. Kellogg, Mr. Woods, Mr. Atterbury and Mr.

English, who will put you in possession of such knowledge that you can answer the question as respects the Pittsburgh Survey—How you like it?

And the first gentlemen I propose calling upon is Mr. Robert A. Woods who, though his residence is in Boston, is a Pittsburgh boy. He is now director of the South End House of Boston.

Mr. Woods then read his paper on "Pittsburgh's Civic Problem." (See Appendix.)

THE CHAIRMAN: The next gentleman to speak to you is Mr. Paul U. Kellogg. Now Mr. Kellogg is captain of this fine team. He is playing quarter-back too. The Pittsburgh Survey is very largely due to his initiative, and he is the one of all who is most competent to speak to you and enable you to answer the question of how you like it. Mr. Kellogg. [Applause.]

Mr. Kellogg then read his paper on "The Civic Responsibilities of Democracy in an Industrial District." (See Appendix.)

THE CHAIRMAN: We will next hear from Mr. Grosvenor Atterbury. Mr. Grosvenor Atterbury by profession is an architect. He is something more. He is an architect quite as well known in Pittsburgh as in New York. He is the architect of the famous Phipps Model Tenement in New York, and he is giving special attention (I may say confidentially for the Sage Foundation) to the construction of small, cheap, sanitary houses for working people. Mr. Atterbury. [Applause.]

MR. ATTERBURY: *Ladies and Gentlemen:* While I am waiting for some light I am going to say a word about the theoretic definition of town planning as distinguished from the more or less practical definition I will give you presently by means of the lantern. It is a new word in this country,

Town Planning although in Germany and Austria it has been known for nearly a century. I should call it the art and science of the distribution of population, and I dare say that a good many of the men who dig our sewers know more about it practically than you and I do. You will find today, way off on the borders of Hungary, towns in which there is more art in this respect than in most of the clever, prosperous cities in this country, and I fancy that many a laborer who comes to us from such places, remembers and feels the loss of that touch of art which by its power to rest, divert and please, makes him surprisingly patient under the burden of taxes and civic duties which he has to bear in European countries.

Town planning might properly be divided into three departments: municipal, in which I include public parks and buildings; commercial, comprising structures for business occupation, and manufacture; and domestic, which has to do with the housing of the people.

Now while there is much to be said about both the municipal and commercial sides of this question, you are, I think, to hear these discussed by others, in the course of this conference; and for this reason, and because I believe the domestic, or housing, problem to be much the most vital, I am going to take the few minutes I have for a brief presentation of this aspect of the question.

The influence of the workingman's home is vital and far reaching, not only for what you might call direct reasons, but by reason of certain indirect influences to which we have given little thought as yet.

Take, for example, the question of waste. The President's Commission on the Conservation of Natural Resources has justified itself a hundred

times over already, and they have not gotten farther than the mouth of the mine. When they get to the kitchen sink, I believe they will accomplish tenfold more. [Applause.] They tell us that for every ton of coal that we get to a mine's mouth we leave over a ton behind, and that of the ton we get out, 5 per cent of its stored energy finally does our work. But it is probably safe to say that for the greatest single item in this further waste of 95 per cent, you will have to look into the domestic ash can, where you are likely to find one-quarter of its contents unburnt coal.

On the principle of large sales and small profits, the greatest saving is likely to be made by little economies in innumerable instances. We need no better illustration of this than the fabulous stores of actual wealth hived by the peasants of France—out of which, at the end of a devastating war, she paid her millards to Germany, and from which today, the nations of the world are still borrowing.

For the conservation of our resources, therefore, the waste at twelve or fifteen million kitchen sinks, is as important as the waste at the mine mouth, and probably in view of its educational aspect, far more so. For the key to all our natural resources—the vitality of our laboring classes—lies for good or ill in the workingman's home.

But over and above this kind of waste, which to a greater or less degree runs all through the workingman's household economy, there is, I believe, an enormous waste in the construction of the houses themselves. It

would probably be safe to say that the poorest man's house is the most expensively built, taking all things into consideration; for the wealthy man can afford to employ the best skill and material, and secure, in the end, the wisest investment.

This waste applies, furthermore, not only to the original construction, but to the maintenance—and above all, to loss by fire. The highest average per capita fire loss abroad is, I believe, eighty cents per annum, while here with us it probably exceeds \$3.00, very nearly three hundred million dollars a year, actually recorded—three hundred million dollars of "money to burn!" Just how much over and above this has been consumed is

impossible to say; but of the millions of workingmen's homes in this country it is safe to say that three-quarters are flimsy wooden structures, and uninsured—and therefore, the unrecorded losses to the class which can least afford to stand it, are probably even greater, relatively, than the figures quoted above. The inroads on our forests for this kind of firewood is appalling—to say nothing of the current consumption of timber for the erection and repair of millions of unsubstantial houses.

Mr. Kellogg, again, has given you in his paper, sufficiently startling figures as to the indirect money loss due to unsanitary living conditions, the corollary to which, the possible conservation of physical and mental force, measured in mere foot-pounds of energy, if you please, or its cash equivalent, a startling sum, needs no further emphasis.

But he has said nothing of the positive, beneficent results of *good housing*, through certain indirect influences which we have heretofore taken no notice of, or considered quite negligible, if we have stopped to consider at all. They are educational, psychological, sentimental, if you please, but nevertheless *real*, not only in their obvious stimulating of the worker's vitality, through the recreation and happiness they can bring, but also by certain human instincts they arouse, which may prove mighty champions for the people's welfare. I mean the *sense of ownership*, and the *love of the beautiful*.

What these things mean we cannot stop to consider here; but you may already realize what the purchasing power of the working people of this country is, although you may not have stopped to ask what instinct directs it, or what would be the result if the standards of the workingman, and particularly the working woman, the world's greatest purchasing agent, were to become enlightened by the wisdom of educated taste, and the pride of ownership. Both are really natural instincts which are latent in all of us, but particularly powerful, I think, in the people who come to this country to supply our labor. Curiously enough, the latter instinct is found in this district to be indirectly responsible for a good deal of your congestion. For I read in the reports of the Pittsburgh Survey that the ambition to save money enough to buy their own homes, is one of the reasons why so many families, already cooped up in one or two rooms, take in boarders.

Mr. Kellogg has told you also what civic responsibility means, and that an industrial center in a democracy ought to seek to attain a better standard of community interests than any other form of government can give. So now I am going to show you the kind of thing that some other forms of government are today giving their people, choosing for purposes of contrast, the best conditions in a few of those European cities from which we draw the people of whom I have just spoken, who have these natural instincts strongly developed. And it is perhaps well to explain that the slides I am going to use are not to be taken as representing a comparison

Good Housing and Conservation

Standards of Comparison

of average local and foreign housing conditions. In that sense some of the contrasts would be unfair. But they will illustrate the difference between good and bad housing, and give us some idea of a concrete, practical definition of town planning. They will show you the standard of excellence that Pittsburgh has to equal, and—if the city lives up to its civic responsibility—surpass.

[The remainder of Mr. Atterbury's address was illustrated by lantern slides, which he explained in detail as they were shown on the screen. Some of the points which he illustrated were as follows:]

To understand what a town plan means, notice these two diagrams; one the common practical layout, by which a certain number of people are stacked on a certain amount of territory, and the other an arrangement by which a certain amount of variety of aspect, a certain amount of art, is sought to be obtained. In the case of the city, town planning means the bringing of the country into the town to a greater or less extent.

* * * *

Mr. Kellogg has told you of the general economic conditions, but he didn't show you this plan and the sketches which show how these plots in Essen are divided so as to give each house a suitable area of ground; and the result of this system as against the kind of thing shown in the slides is not a mere myth.

The Edinburgh Committee has been investigating the condition of some sixteen or eighteen thousand children. They found the children living for example, in single room tenements at the age of seven, averaging an inch and a quarter less in height and seven pounds less in weight than children living in two room tenements! And when it came to four room tenements the increase was something like two inches over the one room condition. And the Krupps realized that the vitality of their people is just so much money in their pocket, and they have spent enormous sums in laying out the series of colonies in which their people live. The rents are about one-fifth, so far as I can tell, of the rents in Pittsburgh. Of course it is fair to take off a certain amount for the difference in the purchasing power of money, but nevertheless the contrast is shocking. It does seem unbelievable that even with our high cost of construction there should be any such discrepancy.

* * * *

The question of how to get a cheap, attractive, healthy house within the reach of laboring men is a very difficult problem, and I don't suppose that it is proper to quote foreign examples except as suggestive. What I

am showing you here is a plan of one of a series of coöperative schemes which are being put into effect all over England—in a dozen different districts. It is one of three types of development. The coöperative scheme consists of the union of individuals under the guidance of some company usually founded by a philanthropist, sometimes financed by the government, because over there the government has a fund which it lends to undertakings of this kind. These are run so that a man can buy stock in the company—can buy his house by process of rent payment, rentals applied on the purchase, and if he falls ill and gets behind in his rent, he is not ejected until such a time as the surplus which he has paid over and above ordinary rental charges is consumed; or if he has to move to a neighboring town, instead of having an unsalable house on his hands he has a liquid asset in the shape of stock. Again, he has the unearned increments of the property for his own benefit. Almost all the schemes abroad which are put in operation have one or two common objects, and the first is to protect the poor man against the speculator. They do it in various ways. Sometimes the city buys the district ahead of the advance of the city, with the right of repurchase, so that there is no object for a speculator to buy it; and sometimes it will tax sales—tax the unearned increment. When a man sells a piece of property he gives a certain percentage of the profits back to the community. These, if you please, are socialistic means. But it may be possible to accomplish something of the same kind here on a coöperative basis and I am showing you these schemes because they are suggestive of that.

* * * *

The second class of these towns compose what I should call a proprietary class, towns which are built and owned and entirely controlled by companies. Port Sunlight, owned by the Sunlight Soap people, is an example. This town is occupied by their employees. The houses don't look like workmen's homes, but they are, and they rent from seven and a half to ten shillings a week for a house of five or six rooms.

* * * *

Then there is a third type of model town which you might call governmental. Bourneville, which is in the outskirts of Birmingham, and which was originally started by Mr. Cadbury, the cocoa man, is a good example, because not long ago he presented it to the government, and it is now in charge of the charities commission. There is a very charming plan laid out, and you can see the value of a curved street as against rectangular arrangement, in the external aspect of a row of buildings. The village

is operated on leases. They began by nine hundred and ninety-nine year leases, but have gradually come down to a short lease and work on the theory of constructing the houses to suit the tenants. The tenants after they have rented them, become representatives on the board of control. So that while it is governmental in the sense that the funds are held and controlled, and the ownership resides in the government, the people who live in the town have a very large part in the government of it.

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What comes on the screen now might have been found elsewhere if the Pittsburgh Survey had made its observation elsewhere instead of in Pittsburgh. Such conditions are not pleasant to contemplate, but they emphasize certain dangers that we are today beginning to realize.

These things—old "Tammany Hall" with dark rooms—these triple deckers, which appear to be upside down (referring to a mistake of the lantern operator) but are probably just as comfortable that way as the other [Laughter], you can take your choice. You pay fifteen cents. No bed-clothes, no smoking and no walking! These things, I say, are largely becoming past history, thanks to the heroic work of your Pittsburgh Board of Health and Tenement Department.

* * * *

In democracy a man has the right to do just as he pleases. At least we have always put it that way; but when you see how they have been

**Liberty,
Equality and
Congestion**

sleeping at Yoders it raises the question as to the wisdom of that policy. "Liberty, Equality, and Fraternity" make pretty bad bedfellows, and we are just beginning to realize that fact. Fifty years ago in America was convulsed over the evils of slavery, but I confess that it had its good points. When you own an animal, especially a working animal, you take pretty good care of it, and I doubt if you would have found many instances of colored slaves being allowed to sleep in such damp, pestilential cellars. It did not pay. The trouble is today that we rent the men we employ. Yet, even from a utilitarian standpoint, it is a very grave question whether the employer who wants to practice the art of getting the greatest amount of work out of a man, can stop at the factory door; whether he has not got to go to the workingman's home, just as he goes to the stable where he keeps his horse, to see that the bedding is good and the feed and the water are fit. So today, paradoxically, the country is beginning to concern itself with the abuses of freedom! Beyond all competitors, in the past few decades, Pittsburgh has distilled fabulous wealth, but the process has left ugly, dangerous by-products. It would be true, probably, of any other equally rapid industrial growth—if there were any such; it is true today in a measure, in all our great cities; yet I believe Pittsburgh can turn even such malodorous

refuse into materials of value, as it makes healing medicines from coal tar; can use even her tenements to add to her wealth as well as to her civic repute.

Pittsburgh has taught the world how to convert pig iron into steel and I believe is going similarly to teach a great many other cities how to turn bad housing into good and hovels into homes. [Applause.]

THE CHAIRMAN: Now, I am going to lay pretty violent hands on this program, but we are not through yet. This important paper of Mr. English on "The Functions of Business Bodies in Improving Civic Conditions" is not to be read this evening. It would not be fair to put it at the tail end of as long meeting as we have had. But I think we must hear from Mr. English, and while I won't ask him to speak about the function of business bodies, I will ask him to say something about the Pittsburgh Survey. Mr. English. [Applause.]

MR. H. D. W. ENGLISH: *Mr. Chairman, Ladies and Gentlemen:* I shall not detain you for more than a moment. I simply want to appear at the call of the chair and express my deep gratitude, and I believe the gratitude of every citizen of Pittsburgh for this splendid effort of the Pittsburgh Survey. There has been nothing about the Survey—and that was my understanding of it when it first started—as I believe you will admit tonight, of that yellow order that we sometimes get in our papers. These have been cold facts given us about our conditions here in Pittsburgh, and I think I should also say a word of thanks on behalf of Pittsburgh to the Sage Foundation and its manager who is present here tonight, that we have had this Survey made possible and that we may look at ourselves and know ourselves as we really are.

Cold Facts

A business man who wants to better his plant first finds out the conditions. We are here this evening to find out, and the Pittsburgh Survey has demonstrated to us the actual conditions in Pittsburgh, both civic and social. What are we going to do about it? That is the question tonight. I agree with the chairman when he said that it is not a part of the Sage Foundation to continue to spend their money for the bettering of the conditions which we are now cognizant exist here. We as citizens of Pittsburgh knowing these conditions must—and I believe we will—better them. [Applause.]

Pittsburgh is the great workshop of the world. We are constantly doing great things in Pittsburgh for the world outside. I believe we have more real gray matter in Pittsburgh to the square inch than most any other city—here in the United States—but the trouble has been—and we might as well face it, citizens of Pittsburgh—that we have been so intent on turning that gray matter into dollars and our city has been growing at such an enormous rate in the last ten years—now, I am trying to make an apology for you and myself—that we have lost sight of the real values of our city, and that is, men, women and children. [Applause.]

The Real Values

I confess it is with a great deal of shame as a citizen of Pittsburgh that I view the conditions that we have here, but then on the other hand when I look at the men and the women who make up this wonderful community, and when I know what they have accomplished in material things for the whole world I simply want to say to you that what we must do, men and women of Pittsburgh, is, instead of turning our eyes outward for a while in doing the great work of the world we must turn them in upon our city. I want to make this prediction, that if these great engineers that we have here—and I am glad to say that more and more in the past few years through the Chamber of Commerce and other organizations of this city have been giving their time to these various questions—and that if the great manufacturers of this city who are used to doing great things will only donate—I was going to say donate one hour a day, or even less than that, to the settlement of these great questions that have been brought before us tonight in a rather unpleasant light, I will admit that we can settle them in five years as we are going to settle the smoke question in the next three. [Applause.] Because the smoke question despite the clouds that you see here is being gradually but surely settled, and we are finding with that settlement that it is really a thing that has been worth while. We find that we are getting a higher steam efficiency and a lower cost for fuel, and that it pays.

Now, of course these questions of pay make a good many of us business men very alert. But whether it pays or whether it does not pay it is your duty and my duty here in this city, knowing the conditions as they exist, to better them.

And now, let me just say a word in conclusion in thanking these gentlemen for bringing this matter before us, I know in thanking them you would have me do that. Pittsburgh is not afraid to look at the actual conditions, and certainly she will not be afraid to better those conditions. And now let us right here tonight resolve—and I see a great many of the members of the Chamber of Commerce—let us here tonight resolve that Pittsburgh from this out, along social and civic lines, as she has along industrial lines, for years, will take a forward movement, and that instead of pictures such as we have had thrown upon the screen tonight from other cities we shall have thrown upon the screen in those cities something worthy of emulation from Pittsburgh. Then indeed we can say we are a greater Pittsburgh. [Applause.]

THE CHAIRMAN: I will say to you, Mr. English, that there is no city in America that is in a situation to throw stones at this particular glass house.

Now, going on and continuing to take liberties with this program, I am going to call only upon two more gentlemen and upon them for simply five minute speeches and no more. I will first call upon Prof. Graham Taylor, warden of the Chicago Commons, who is one of the associate editors of *Charities and Commons*. Now five minutes, Dr. Taylor. [Applause.]

DR. TAYLOR: *Mr. Chairman:* I shall have to assume a Chicago pace and promise not to keep you more than three to four minutes. The community of interest visualized, demonstrated and brought to earth by that marvelous exhibit in Carnegie Hall is tremendously impressive, as it ought to be, not merely to Pittsburgh but to every other city of the United States. I have wished for the presence of one man here more than any other man in the world. It is the man whose twenty years of splendid toil and the investment of whose two hundred and fifty thousand dollars set the type

Industrial Surveys

of this kind of survey. I refer to Mr. Charles Booth, the great London shipper. He it was who, when the bitter cry of outcast London was raised from East London alone went to work to find out the facts, and in twenty years of the leisure, the scant leisure of his busy life he prepared the most scientific and exhaustive analysis that has ever been made of a greater population, in a work numbering seventeen volumes, entitled "Life and Labor in London." Now, that work had a very direct influence upon Liverpool and Glasgow, showing again and illustrating the community of interest. One of them had a better harbor than the other, but the waterways led to better highways, and the highways led to the investigation of housing conditions, as the houses were torn down in broadening the highways, and twenty-two thousand houses of the city of Liverpool were condemned as unworthy of human habitation, and four thousand of them razed to the ground. In Glasgow wonderful improvements followed this basis of facts.

Again, let me speak of a reciprocity. It is between New York and Chicago. On the stage of Carnegie Hall at the twenty-fifth anniversary of the Charity Organization Society the chairman of this meeting made this statement, that the experience of New York in improving its bad condition should be a warning to every growing American city never to let those conditions arise. And then he made this astounding statement, that but for a building ordinance, in the enactment of which I may say he had more to do than any other man, one million people would that night be living in rooms receiving their light and air only through other rooms. Think of it fellow citizens, that one man could say that a million of his fellow beings had been let out into God Almighty's sunlight and fresh air by one act of the state legislature. [Applause.]

I stood in the Judiciary Committee of the city council of Chicago alongside of the Irish alderman of my ward. Confronting him was Mrs. Emmons Blaine, one of the first ladies of that city, pleading for the enactment of a building ordinance the type of which had been passed in New York. She said "Alderman Dever, I would not want to stand in your responsibility tonight. Your vote may make or unmake fatherhood and motherhood for a generation in this town." He said "Madam, you shall never be disappointed in my vote."

Tenement Ordinances

Gentlemen, don't you suppose that I took some satisfaction in having

elected that man to the city council of Chicago when I saw him grapple with the speculative tenement house builders who resisted at every point each comma and clause of that new ordinance which now, let me say, is in effect in that city.

Again, let me give one other illustration of the community of interest which Chicago perhaps may contribute to others. In connection with an

Juvenile Delinquency

investigation backed by this same Sage Foundation, we are investigating the juvenile delinquency of that city. Twenty-four thousand cases have been transferred from the records of the juvenile court to the secondary courts of that institution. Twenty-eight hundred of them have been run down to see how those little people get into trouble, what happened to them when they were in trouble, how they got out of trouble if they did get out of trouble. It is not because Chicago is the worst city for juvenile delinquency, it is because this new juvenile court movement needed the taking of statistical facts and original inquiry, and every other city, your city perhaps and the world, will be in debt to Chicago for the original investigation of fact.

Now, once more we are all going to be indebted to Pittsburgh. I stand here as one of the commissioners appointed by the Governor of Illinois to prepare a bill for the next legislature to protect machinery and the sanitary condition of shops. I mean to take back the results of this investigation and this exhibit and these speeches to that commission which meets again next week. We do not want your typhoid fever, we do not want your squalid tenements. We do not want your filthy streets. We want your industries without the awful, awful casualties of this industrial warfare of peoples. God knows we have enough of our own, but if we could transport that exhibit, as I mean to do it, if it is possible to be done, install it in Chicago, take it to Detroit, to Milwaukee, to Cleveland, to Louisville, Pittsburgh will have contributed a new basis of prosperity, a new basis of safety, comfort, health, wealth, civilization and religion such as will make every city in the United States debtor to this town. [Applause.]

THE CHAIRMAN: Now, the last speaker will be Dr. Edward T. Devine who in addition to the titles he bears upon this program has been for many long years the efficient and active executive head of the New York Charity Organization Society. [Applause.]

DR. DEVINE: I hope that my Chicago associate will forgive me if I recall at this time a story which Mark Twain was accustomed to tell on a Chicago man who died and went to the place where good Chicagoans are supposed to go, and after a few days he met an old neighbor and he asked him how he liked it, and how he was getting along, and he said, "Well, I don't know, I can't say that I am enjoying myself very much, Heaven isn't so far ahead of Chicago after all," and his neighbor said "Well, you are laboring under one misapprehension, this is not Heaven." [Laughter.]

My friends, when "Charities and the Commons" a few months before the Sage Foundation had begun operations, decided on the Pittsburgh Survey and planned and undertook it, we were not under the delusion that this was a premature celestial kingdom which we were about to investigate, nor were we on the other hand under the delusion that it partook entirely of the characteristics of the other place. We did not expect to find here a Garden of Eden or a community in which the golden age of poets or socialists had been anticipated, but neither did we expect to find a place in which the forces of evil go unchallenged and the downward dragging tendencies in the community unchecked and have their way as they will with human lives. Frankly, if we had expected that Pittsburgh belonged to either of these extreme, unrepresentative types it would have had no interest for us.

Why was the Pittsburgh survey determined upon? Because as we see here in Pittsburgh, here in this great industrial metropolis of the Keystone

**The Microcosm
of Industrial
America**

State as in no other community upon the continent, we see in microcosm the industrial America that is to be. Here in Pittsburgh we see the nation not of the far distant future but of the immediate future where the industrial community has had the opportunity to show what the forces are that are determining it. The

forces that shape America's destiny and mold the American character seem to us most fully at work here.

Here we saw the nation in command of its resources, desiring not to waste them but to utilize them. Here we saw America inviting the people of the earth, not desiring to exploit them but desiring to use and to employ them. Here we saw America becoming interested in her social problems. Not losing her head about them, but grappling with them and governing them. And so, because in that kind of thing there is a legitimate interest throughout the entire country and because there is a national lesson to learn by the study of the social conditions of the industrial community, this Pittsburgh Survey was decided upon. And I wish to add to the explanations that have been given just one explanation which has in effect been given and yet I repeat it more distinctly for the sake of emphasis, I wish to make it clear that the Pittsburgh Survey could not have been undertaken and could not have been carried through to its present position except for the coöperation and guidance and the assistance of such men as Mayor Guthrie and Mr. English and Justice Buffington, and the others of this vicinity who have stood behind those who have been doing the work, and I wish to make it clear, that the gentlemen that I have named and those who are actively at work in the settlements and in the social activities of this city are—along with Mr. Kellogg and his associates in the field and along with the Russell Sage Foundation—entitled to the credit for what has been accomplished. We are willing to take the responsibilities for all its faults. We are willing to take whatever blame or censure may come from not having done the Survey in an ideal way, but if

it accomplishes any part of the good we hope for it, we are anxious to share the good with you people in Pittsburgh and other people, with those whose coöperation has been essential and has been given in such an ungrudging way. We approached this Survey not in a provincial spirit but in a national spirit, and we were met here with the spirit in which we came.

I have three suggestions to make, and I substitute those for the address which I have prepared. The Pittsburgh Survey is an incident in the life of your community. It will soon be closed. But if you will get behind and help the settlements that are at work in this city, at least some of them, if you will get behind and get into the Associated Charities that have been established in this city then the good that you will do will far transcend the good that it is possible for anyone to do in a temporary piece of work which is so soon closed. If you will also join our Charities family and subscribe for Charities and the Commons you will not only get in that way the result of this Pittsburgh Survey which will be published in three separate magazine numbers in January, February and March, but you will also form the habit of coöperation in the social work which some several thousands of your fellow citizens in the different American communities have also formed and with them together you will be able to help to do the things that need to be done in this social field in our American community. [Applause.]

THE SECRETARY: Announcements in regard to this meeting and especially as to this session found their way to England and produced the following interesting correspondence which I take pleasure in bringing before the meeting for incorporation in the formal proceedings. Messrs. Horsfall and Nettleford are leading advocates of housing reform in Great Britain and Mr. George Cadbury's work at Bournville is well known. I also submit for similar insertion a letter from Dr. Peter Roberts, the Industrial Secretary of the International Young Men's Christian Association.

MR. T. C. HORSFALL, of Swanscoe Park, near Macclesfield, writes: I feel very much honored by your suggestion that I may be able to say something worthy of being listened to on the subjects which are to be discussed at the approaching meetings in Pittsburg. My study of what is being done in this country and in Germany has given me the

Continuous Inspection	the conviction that the work which deserves the first place on the municipal sanitation program of all towns is that of the "continuous inspection" of all dwellings by well-trained men and women inspectors, numerous enough to be able to complete a thorough examination of the whole town in a period of not more than three years. This work not only enables the municipal authority to effect a greater improvement in the conditions affecting the life of the people than it can effect by the doing of any other one kind of work, but, too, it is necessary to enable the
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authorities and the rest of the inhabitants to know what other kinds of work are needed.

Where, as in Bavaria, Essen, Hamburg, the Rhine Provinces of Prussia, the system of continuous inspection has been adopted, it has been almost always found that more than 80 per cent of the evils which have been lowering physical or moral health or both, are at once removed by either landlord or tenant when notice is called to them, and that only in a very small proportion of cases is it necessary to enforce improvements by the use of legal measures. The proportion of cases in which compulsion is needed rapidly diminishes. Thus in Essen, where it was no less than 50 per cent in the year 1899, it was only 3.16 per cent last year. The effect of inspection in calling attention to other reforms in addition to the improvement of dwellings is shown by the report of the inspectors in the little town of Bensheim. They state that the dwellings-question is in great measure an education-question, and that in many cases in which the defectiveness of the buildings would justify their being emptied, the authorities, having regard to the quality of the tenants, abstain from taking that course, so that the first process of reform has to be the improvement of the tenants. The effect of all the influences brought to bear on landlords, tenants and dwellings in Württemberg is so encouraging that the inspectors there say that they look forward to the overcoming of all difficulties respecting the housing of the population in "a not too long time."

Dresden has a population of over 400,000 persons, and contains 136,000 dwellings, yet the inspectors have made detailed plans of every dwelling, and they believe that in the future the inspection of all the dwellings in the town can be completed within half a year. They report that inspection is more and more welcomed both by house owners and tenants.

American towns are giving so much more attention to the subject of town-planning than our British towns are giving that we have much more

American Town Planning

to learn from you than you can learn from us. The only matter connected with this subject which I will mention is the desirability of ascertaining, by consulting students of nations other than one's own, whether what seem to us unmitigated evils in our towns are in reality wholly evils. In this country the vast districts in our manufacturing towns which are filled with narrow streets, on each side of which are rows of mean-looking two-storyed workmen's cottages, have seemed to English students of housing so thoroughly depressing and unwholesome that we have most of us envied Continental towns their much wider streets and have been convinced that one of the first uses we ought to make of the power of preparing town-plans must be to provide all new parts of towns with much wider streets. But lately we have learned from the closer study of Continental towns, and we have also been told by Continental students of our subject, that the wide, costly street necessarily involves the erection of tall houses at each side of it, and that the necessity

of solid building for the lower parts of tall houses, and the cost of the wide street make rents very high and lead to far more overcrowding of rooms than exists in our towns. The German system has led to Berlin's having a population of about 160 per acre while London has only about 62 per acre, and houses and land at distances of from three to ten miles from the center of Berlin cost from three to ten times as much as do houses and land at the same distances from the center of London.

We are therefore driven to the belief that, while we must make the new streets which are likely to have much traffic through them wider than we have made such streets in the past, and must intersperse playgrounds and planted open spaces among cottages, we must keep our "residential" streets as narrow as possible.

The Width of Streets

There is a strong movement in Germany in favor of much narrower streets in cases where width is not needed for traffic, and of lower houses. I will refer to only one more subject: Doubtless the members of your societies find, as the members of our town-improvement societies do, that it is most difficult to make them strong enough in number to command the attention of the civic authorities. The question, "How can we obtain more members?" is therefore of great importance. I think that there are signs in this country that the various branches of the Christian Church will find themselves compelled by the need to retain the respect of the community to help our societies by advocating social reform vigorously.

It is inconceivable that drunkenness, sexual licentiousness, lack of self-respect and respect for others should not be common in towns which are either ugly or unwholesome. I lose few opportunities of stating that an English judge, the late Sir W. Day, said that it is no wonder that drunkenness is common in Manchester, because "to get drunk is the shortest way out of Manchester." We have a right, I think, to demand the zealous coöperation of all the Churches and many clergymen will certainly desire that we shall obtain it.

FROM JOHN S. NETTLEFORD, Winterbourne, Edgbaston Park Road, Birmingham, we received the following: I have been very much interested by the papers you have sent me relative to the National Municipal League movement, and only regret that my engagements here make it impossible for me to accept your flattering invitation to present a paper at your annual meeting in November.

What particularly strikes me is your Pittsburgh Survey, and the fact that your leading business men see the advantage to themselves as well as to the community of establishing the very best hygienic conditions for all classes. More important still, it begins to be recognized that to be successful such work must be carried out on sound business lines. Dealing more particularly with "the municipalities' interest in housing," the subject naturally falls into two parts—slum reform and slum prevention

1. *Slum Reform.* Up to a few years ago the activity of our English municipalities was wrongly directed. Insanitary areas were bought up at a profit to the owners and a loss to the public.

Slum Reform

Slums were demolished and new dwellings erected. Even when this policy is well carried out it entails enormous expense on the ratepayers, and the public funds are insufficient to deal with more than a small part of the area involved. Public opinion is now, however, taking the view that the duty of local authorities is to supervise house building and not to undertake it themselves. But a more generally beneficial policy is for the municipality to call upon the owners of insanitary property to repair the same at their own expense or else to demolish it. This places the responsibility on the right shoulders. It prevents large profits being made out of insanitary property, and teaches owners to keep property in habitable repair for their own sakes as well as their tenants.

2. *Slum Prevention.* So far, this has been attempted on more or less philanthropic lines by encouraging and assisting the building of houses by semi-philanthropic trusts and companies, and by local authorities. No attempt has been made to encourage and control in a comprehensive manner the very much larger number of people engaged in house building on ordinary business lines. The operations of this large body of house builders are at least ten times as large as those of all the semi-philanthropic societies and local authorities put together, and must of necessity always be so.

Slum

Prevention

It is in this direction that English town planners see their opportunity and find most encouragement for the future. English by-laws have hitherto failed to stop land sweating and jerry building, whilst they hamper and harass public spirited house purveyors.

Town planners hope that local authorities may have power given them to meet this class of builders by reducing the cost of estate development, while carefully safeguarding the public health. They look forward to restricting the number of houses per acre and providing adequate open spaces and playgrounds. It is a legacy from the conditions of the past that our population is overcrowded on expensive land. We must bear in mind that there is only a given amount of light and air per acre. Thanks to our modern means of transit, the areas of cities may now be considerably enlarged. It is the duty of town planners to spread the people out, and at the same time, to do so according to a well advised and harmonious scheme.

Let us remember that foresight in town planning should mean economy for the ratepayers as well as health and convenience. It should certainly appeal to a business community on economic grounds. Our aim should be to make it possible for house purveyors to provide the poorer classes with healthy cheerful homes at rents within their means, and yet receive themselves a fair return on the capital invested.

GEORGE CADBURY writes from Bournville, near Birmingham, England: I hope that at the meetings of the National Municipal League and American Civic Association at Pittsburgh special attention will be given to Town Planning. It will take generations to undo the effects of the careless way in which towns have been planned, but an immediate remedy might be secured by making it compulsory that no new town or a new suburb of a town should be laid out without the plans being submitted to a central authority so as to secure open spaces, gardens to the cottages, etc.

DR. PETER ROBERTS' letter is as follows: Pittsburg is typical of American industrial life. Here representatives of all European nations

Pittsburgh a Typical City

form a cosmopolitan army, marshalled every morning by a thousand gongs, whose harsh notes none fail to understand. The organizing genius of America sets this polyglot mass to work, producing wealth which in magnitude, stands matchless in the history of the world. English is the language of the office and the administrative force, but as we descend the industrial pyramid, a Babel of tongues are heard in the lowest stratum. The dirty, disagreeable and dangerous tasks fall upon the Slav and Lithuanian, the Italian and the Greek; and these people pay the major part of the vicarious sacrifice incident to our industrial life.

Serious sequences follow these conditions. The hospitals are filled with peoples of foreign tongues where they are patched up and sent forth crippled and maimed to continue the struggle for subsistence. Many foreigners lie in consecrated ground, the victims of carelessness and rush in industrial plants. How many are killed, how many are incapacitated, there is no way of knowing; for many of the incapacitated are shipped back to the fatherland, and the widows and orphans who mourn the dead weep on the hills of Galicia or in the fields of Italy; their wail is three thousand miles removed from the heart of humane America.

These people get the lowest wage: \$1.35 and \$1.50 a day, and living in Pittsburgh! Is it any wonder they huddle together in cramped quarters where dirt and vermin gather and where the strong bodies of men, raised in the simple life of agricultural communities of Europe, break down. If the laws regulating the lodging conditions of horses and cows in Pennsylvania were enforced in the crowded sections of the Iron City, where foreigners live, they would not die of fever and disease as they do.

And what is there in this rich city that breaks the dull monotony of the foreigner's lot? Drink, drink, that is all. It is the only outlet; cut it off, and there is nothing left this indispensable fertilizer of Pittsburgh wealth but sleep, which is far from peaceful under conditions above stated.

This sluggish mass of humanity, so docile, so patient, so uncomplaining, does not Pittsburgh owe something to it? Why should not his sufferings

and death be recorded; why should he be left the victim of unscrupulous landlords, industrial runners, and legal pirates? Is there not a body of philanthropic men in the city, ready and able to champion this man and see that industrial and social justice be done him? In his dirt and beer, we have forgotten that he has an æsthetic side. Give him an opportunity to sing and dance, to exhibit his works of art and tell us tales of his youth, and the life of Slav and Lett, of Italian and Greek, will be happier; and the reaction will be felt in the life of this thriving industrial center.

TUESDAY MORNING SESSION.

Tuesday, November 17, 1908.

The third session of the convention was held in the Chamber of Commerce rooms. The meeting was called to order by Mr. H. W. D. English of Pittsburgh, former president of the Pittsburgh Chamber of Commerce.

THE CHAIRMAN: I have been asked to preside at this meeting until the arrival of Mr. Deming, chairman of the executive committee. This is the annual business meeting, as you know, of the National Municipal League and the first business will be the report of the secretary.

THE SECRETARY: *Mr. Chairman:* The report of the secretary will be very brief. His review which was given yesterday afternoon covers that phase of the work which relates to the activities of the League in connection with the development of the cities throughout the past year. The report prepared in abstract yesterday afternoon will be printed in full in the Proceedings which are sent to all the members. And let me take this opportunity of saying that everything that is said and done at the annual meetings of the National Municipal League is stenographically reported, and after being carefully edited is printed in the annual volumes, and these volumes are sent to the members of the League. It is interesting to note in this connection that these volumes have been very widely used and that the earlier editions are all exhausted and it is very difficult to get them. So any of you who possess copies of other volumes better keep them, for two reasons. First of all, they are valuable for themselves, and secondly they have a very considerable commercial value, originally selling for a dollar and a half, some are now bringing seven dollars and eight dollars. So you

The

Proceedings.

see you have a very good investment whichever way you look at it. The second phase relating to the detail work of the League of the past year will be covered by the executive committee report which Mr. Deming will present upon his arrival. That will go into the details of membership and the various activities of the league. Therefore I will not trespass upon that portion of his work.

The treasurer's report which will be presented by Mr. Burnham of Philadelphia will give you in detail the work which has been done along those lines during the past year.

I want to say, that immediately following this meeting there will be a discussion of two important problems in which all who are present are invited to remain here and participate if the spirit so moves them. And I want to take this opportunity, while I am on my feet, to bid you again to spread the news that all the meetings, both of the League and of the Association, are open to the public. I gather from some of the inquiries made of me by Pittsburgh people that they are under the impression that our meetings are executive and not open to the general public. That is not so. We are very glad to have with us at all our sessions all who are interested in any phase of the municipal problem. The question of participation in discussion is dependent upon the time at our disposal. Some of the programs are very full, too full, some people say, but you must remember that this municipal problem has so many phases, and there are so many active men and women who are participating in its solution that it is impossible to make up a program of moderate size if it is expected to cover all the various features. The same is true of all the work of the League.

**Open
Meetings**

THE CHAIRMAN: The next business will be the report of the treasurer, to be read by Mr. George Burnham, Jr., of Philadelphia.

Mr. Burnham then presented the following report.

The fiscal year of the League begins April 1, due to our former custom of holding the annual meeting in May. It is therefore impossible to present a complete report at this time that is "up to date." For the year ending March 31, 1908, the receipts were \$10,926.89. This includes a balance over from the previous year of \$924.46. The expenditures were \$9758.76, leaving a balance on hand, April 1, of \$1168.13.

**Treasurer's
Report**

For the current year, up to November 12, the receipts have been \$6031.95 and the expenditures \$6159.69, the balance in your treasurer's hands being \$1040.39. So far as your treasurer can judge the revenues of the League will be somewhat less than last year and it is hoped that the expenditures will not be materially larger than heretofore. The business depression, which we all believe is disappearing, was probably responsible for the slight decrease in our receipts. Apparently it did not have the same effect on our expenditures.

Respectfully submitted,

GEORGE BURNHAM, JR.,
Treasurer.

PITTSBURGH CONFERENCE

The Report for the year April 1, 1907, to April 1, 1908, is as follows:

TREASURER'S REPORT

GEORGE BURNHAM, JR., TREASURER

In account with the National Municipal League April 1, 1908.

RECEIPTS

Balance, April 1, 1907.....	\$924.46	
Membership Dues.....	5766.60	
Contributions.....	3851.05	
Sales of "Proceedings" etc.....	384.78	
		<u>\$10,926.89</u>

EXPENDITURES

Printing and Stationery.....	\$2832.29	
Postage.....	1471.42	
Salaries and Clerical Work.....	3845.64	
News Clippings.....	129.04	
Traveling Expenses.....	263.68	
Clipping Sheet.....	194.24	
Publication of Proceedings.....	397.00	
Baldwin Prize.....	100.00	
Harvard Fund.....	170.97	
General Expenses.....	344.48	
Refund of Dues (twice paid).....	10.00	
		<u>\$9758.76</u>
Balance, April 1, 1908, Cash in Bank.....	\$1095.13	
Note due July 1, 1908, reimbursements for bill twice paid.....	73.00	
	<u>\$1168.13</u>	
		<u>1168.13</u>
		<u>\$10,926.89</u>

THE CHAIRMAN: You have heard the report of the treasurer, what is your pleasure.

DR. CHIRURG: I move that the report be accepted and approved.

The motion was seconded and prevailed.¹

THE CHAIRMAN: In the absence of Mr. Deming, who has not arrived yet, we will pass the report of the Executive Committee and go on to the elec-

¹ On motion of Mr. Burnham, the Executive Committee has provided for an audit of this account at the close of the fiscal year March 31, by a professional accountant.—Editor.

tion of officers and executive committee, and I will call on Mr. John A. Butler of Milwaukee, chairman of the committee on nominations if he has the report.

MR. BUTLER, Milwaukee: *Mr. Chairman and Ladies and Gentlemen:* On behalf of the nominating committee I beg to submit the following report:

FOR OFFICERS FOR THE YEAR 1908-1909

President—CHARLES J. BONAPARTE, Baltimore.
First Vice-President—CHARLES RICHARDSON, Philadelphia.
Second Vice-President—THOMAS N. STRONG, Portland, Ore.
Third Vice-President—HENRY L. McCUNE, Kansas City.
Fourth Vice-President—WALTER L. FISHER, Chicago.
Fifth Vice-President—GEORGE W. GUTHRIE, Pittsburgh.
Treasurer—GEORGE BURNHAM, JR., Philadelphia.
Secretary—CLINTON ROGERS WOODRUFF, Philadelphia.

EXECUTIVE COMMITTEE

HORACE E. DEMING, *Chairman*, New York City.
JAMES PHINNEY BAXTER, Portland, Me.
ROBERT TREAT PAINE, JR., Boston.
HARVEY STUART CHASE, Boston.
ALBERT BUSHNELL HART, Cambridge.
CHARLES S. DEFOREST, New Haven.
DUDLEY TIBBETTS, Troy.
GEORGE HAVEN PUTNAM, New York.
CHARLES H. INGERSOLL, New York.
WILLIAM G. LOW, New York.
NORMAN HAPGOOD, New York City.
E. H. PRENTICE, New York City.
M. N. BAKER, New York City.
FREDERIC ALMY, Buffalo.
MERWIN K. HART, Utica.
CLARENCE L. HARPER, Philadelphia.
THOMAS RAE BURN WHITE, Philadelphia.
J. HORACE MCFARLAND, Harrisburg.
OLIVER MCCLINTOCK, Pittsburgh.
H. D. W. ENGLISH, Pittsburgh.
WILLIAM P. BANCROFT, Wilmington.
ELLIOT HUNT PENDLETON, Cincinnati, O.
MORTON D. HULL, Chicago.
J. L. HUDSON, Detroit.
JOHN A. BUTLER, Milwaukee.
DAVID P. JONES, Minneapolis.

PITTSBURGH CONFERENCE

DWIGHT F. DAVIS, St. Louis.
 FRANK N. HARTWELL, Louisville.
 ERNEST C. KONTZ, Atlanta.
 JAMES H. CAUSEY, Denver.
 ERASTUS BRAINERD, Seattle.
 FRANK J. SYMMES, San Francisco.
 CHARLES D. WILLARD, Los Angeles.

And I take the liberty of suggesting that the leading thoughts of the league ought to be applied to all of our great cities, and I think in the future a still more careful canvass ought to be made of the convention in order to make additions to the executive committee of active, militant, vigilant reformers to carry the doctrine abroad through the country.

THE CHAIRMAN: You have heard the report of the nominating committee. What is your pleasure as to the acceptance of the report and the election of the officers named?

Upon motion the report was adopted and the officers therein named were duly elected.

THE CHAIRMAN: Mr. Deming having arrived we will now go back to the executive committee and ask Mr. Deming to present his report.

MR. DEMING: *Mr. Chairman:* On March 31 last, when our fiscal year ended, we had 1442 enrolled members and 90 contributing members. That was a net gain during the last fiscal year of 184. Since the 31st of March up to the first of November of this year we have made a further net gain of 76 members. Up to the first of September

Net Gains of the current year our rate of progress over the year before was nearly 50 per cent. In September we fell off badly, and in October, when the presidential campaign was on we made a slump; we scarcely increased at all. This illustrates once more that if you have a national campaign going on at the same time that you attempt to have a municipal campaign, the municipal campaign is usually overwhelmed.

Our affiliated membership consists as you know of clubs and organizations that join us as organized bodies. We had a year ago one hundred and thirty-five such organizations on our roll. Their membership was in round numbers one hundred and eleven thousands. We have now one hundred and fifty-four such affiliated members, with an enrolled membership in round numbers of one hundred and forty-six thousands. Besides those we have mentioned, there are thirty organizations whose memberships we have not yet been able to verify. To have got this increase in cooperation and active sympathy with our work on the part of so many organizations throughout the country is extremely encouraging.

As to our finances, the story is very simple. During the last fiscal year our receipts were approximately ten thousand dollars, and our expendi-

tures were approximately ten thousand dollars, we carrying over a working balance from the year before. Since the first of April we have received about six thousand dollars and have spent about six thousand dollars. We usually spend pretty nearly up to the limit of all we receive. We think that is our duty. That is why we are given the money.

You may be interested to hear something of some of the results of the work of the League as the news of it comes to the central office, and a little of the methods that we use in some branches of

Results of the our work.

League's Work We have what we call a clipping service. Some of you may not know what that means, but if you will look at a batch of things like that (displaying some clippings) you will understand. There were seven of those sent out this last year; we could easily send out seventy if we had the means. Now, each of these sets of clippings contains in convenient shape editorials, news items, short quotations—pertinent quotations from the speeches and writings of distinguished men, approving or illustrating our principles, extracts from papers that have appeared in our proceedings, crisp comments upon the various phases of our work. These clippings are sent to the newspapers all over the country. Does this do any good? If you should sit in our central office and read the editorials and the news columns of the newspapers which are received there from every part of the country you would find that the press is each year giving more publicity to our ideas and more and more advocating them in their respective communities. It is a most valuable thing, this clipping service, and it is producing most marked results.

There is another thing we have been able to do through the generosity of the wife of one of our members. We have been giving each year a prize appropriately named the Baldwin prize after Mr. William H. Baldwin, whose untimely death many of us mourn, for the best essay on a subject directly related to city government in the United States. The competitors are confined to undergraduates at colleges where

The Baldwin Prize

there is a recognized course of instruction in municipal government. This is now the fourth year that this competition has been held. It has aroused a great interest in municipal questions among the students in a number of our different colleges and has already produced a marked influence on the instruction the colleges are giving in civics and particularly in municipal government. The terms of the competition and the advertisement of the fact of the competition are in charge of our sub-committee on instruction in the colleges in municipal government. That committee is each year sending inquiries to different colleges and universities to ascertain whether they have these courses and their students can compete for the prize. The growth of college and university instruction in municipal government and of the demand for such instruction are most gratifying. There will be a special report by the committee on that subject later. I think you will be interested in the topic which the executive committee

has selected for this year's prize. There is nothing particularly academic about this year's topic:

**"A STUDY OF THE PRACTICAL OPERATIONS OF GOVERNMENT IN
SOME LARGE AMERICAN CITY."**

Competitors may select, as their field of study, any city of the United States having a population of not less than 300,000; essays must not exceed 10,000 words in length; and it is suggested that the essays may advantageously deal with the following topics:

1. A very brief introductory outline of the city's political development.
2. The relation of the city to the state, including a study of the city charter, a summary of the powers possessed by the city as a corporation, and a statement of those municipal functions which are directly exercised by the state authorities.
3. A sketch of the present framework of the city government, including a discussion of the division of powers among the various organs of government, executive and legislative; and a study of the relations of these organs.
4. An examination of the administrative service of the city, the structure and functions of the various city departments, the methods of appointment and removal from office and so forth.
5. The methods of nomination and election to elective city offices; the means whereby the accountability of officials to the electors is secured; and the relation of the aims and methods of local party organizations to these features. When a young man can answer these five questions he will have had a pretty good course in municipal government. They are questions which every citizen should ask and answer in regard to his own city.
6. A statement of the writer's own views as to the governmental powers which a city should possess, the framework of government that would be most advantageous, the proper methods of selecting public officials, the proper relations between the various organs performing governmental functions; and the means by which the suggested improvements may be achieved. Due consideration should be given in this part of the essay to the feasibility and advisability of municipal reorganization along the lines of the Galveston, Des Moines, Newport and other plans.

The executive committee believes that intelligent answers to these questions by a number of students in different colleges and universities would be of great practical benefit in very many ways.

The requests that we have been receiving for several years not only from this country but from other countries for our books and leaflets, for copies of our proceedings, for our committee reports, for general information and advice in our chosen field have become so numerous that we are simply unable to respond. We have not the means of re-

sponding. We have not the office force to respond. These requests come from our own dependencies; from cities in India; from Germany, from France, from Spain. They come from numerous libraries, from hundreds of persons interested in the study of municipal government. The demand for our publications has exhausted all the editions of the earlier volumes of our annual meetings. We can no longer supply them and we receive frequent expressions of regret on the part of those who wish to study the various phases of the city problem that they can no longer obtain any printed copies of our proceedings.

Requests for Help

Let me just give you some specimens of the demands for information and for our literature here in this country. Here is a man who writes from one of the smaller cities of Massachusetts asking us to supply him with certain documents named, in order that he may spread the knowledge of our principles and persuade additional members to join us.

Here is a bulletin from a board of trade of one of our smaller cities speaking with pride of the fact that it is an affiliated member, and calling upon the citizens of the town to spread the ideas we are advocating. Here is a letter from a little city in South Carolina in which we are thanked for having responded to a prior request for certain publications and saying that by their aid the writer has been able to arouse a degree of public spirit that he hopes will produce and have a lasting effect upon that little city. Here is a letter from Nebraska, from an institution of learning out there asking for some of our documents, naming the documents, in order that the students of that university may have an opportunity to get the information which we are furnishing. Here is a letter from a city in Missouri inclosing a clipping from a local newspaper showing how, inspired by our Baldwin prize, a resident there has instituted a series of prizes to be competed for by the seniors in the high school on practical civic topics affecting the home city. Here is a letter from a little city in New Jersey saying that the writer has observed the plan for municipal accounting that we have been advocating—and we were practically the first organization in this country to do so—how it has worked in a neighboring city and it has worked so well he proposes to see—and he is an alderman, perhaps he can do something—if he cannot have it introduced in his own city. Here is a letter from Cuba, announcing that the projected municipal law which has been recently submitted there to be acted upon "is founded upon the modern current of scientific ideas, and particularly upon the sound principles of local government endorsed by the National Municipal League of the United States." And here is a letter from a little town in the interior of Illinois expressing what would be surprising to us if we had not had so many similar instances in our experience that the writer has used up all the pamphlets and literature that had been sent in response to previous requests in spite of exercising the greatest care and discrimination and could we possibly let him have so and so many more to be used for these purposes.

I might go on indefinitely, but enough has already been said to give some idea of the extent of the field and of the agencies that we are employing, and some idea also of the reasons for our hope and belief that the work we are doing is worth while.

I just spoke incidentally of our system of municipal accounting. It was gratifying to us to see in the first report of the recently established Massachusetts Bureau of Municipal Statistics a recognition of the leadership of the League in that important matter. We expected to publish this year a volume which would embody the fundamental principles of the system of municipal accounting the National Municipal League has been advocating for so many years. It was intended that the book should set forth in simple and readable form the reasons for and the advantages of such a system. When the able and brilliant editor whom we had secured had the book about half done he was stricken with typhoid fever. In the death of Philip Loring Allen, the author of that stimulating book, America's Awakening, the country has suffered a great loss. The publication of the League's volume upon municipal accounting has been postponed until another year.

The volume containing the League's "Municipal Program" has been out of print for some time. You may remember that at our last annual meeting we announced that a new book was in preparation to take its place. This book is finished and about to go to press.

We keep a card catalogue at the central office of all the various sub-associations, etc., in the country that are engaged in civic work, and in June we found there were approximately eleven hundred such, a growth of 100 per cent in ten years of associations that we could find some track of that were actively at work to improve local conditions. Is not that encouraging? To go into further particulars of the work of the League and of our executive committee would occupy too large a portion of the session. It may be well to remind you that the executive committee does most of its work through sub-committees. The reputation of the League is dependent upon the effectiveness and thoroughness of the work of the sub-committees appointed by the executive committee. These sub-committees, some of them, will report at this meeting.

Committee Work

The executive committee is responsible also for these annual meetings and for the papers presented here. In general the executive committee is in the position of a board of directors. Give your board of directors a sufficient income to employ a competent and well manned staff, and the work which the executive committee of the National Municipal League would accomplish in the interest of good city government would be increased many, many fold. What we need is more members. The dues of a single member are a very small sum, but each member is a little rivulet and a sufficient number of rivulets will make a considerable stream. We welcome contributions, but we welcome still more the growth in our regular associated membership. We ask each one of you not already a

member to join us, and each of you who is a member to help us by getting a few more members. [Applause.]

THE CHAIRMAN: You have heard the report of the executive committee by its chairman. If there is no objection the report will be received and printed in the proceedings of the convention.

We will go on to the discussion of the next paper "Municipal Affairs and the Liquor Problem," and I have great pleasure in introducing Prof. Augustus Raymond Hatton, Western Reserve University of Cleveland, who will present the subject.

Dr. Hatton then read his paper which is printed in full in the Appendix.

THE CHAIRMAN: The chair will call on the four gentlemen next upon the program. Mr. F. S. Spence, of the Toronto Board of Control will open the discussion on this question. [Applause.]

MR. SPENCE: *Mr. Chairman, Ladies and Gentlemen:* We have listened to an extremely interesting analysis of the liquor problem, and to some very valuable deductions and suggestions concerning the most desirable methods of dealing with that problem. Anything to be added must be mainly along the lines of reporting experience acquired, and results attained in observing the tendencies and working out the principles that have been so clearly stated.

In Canada the liquor problem is not so acute as in the United States. This is partly because of differences in population. The fact that Canada has a population of little more than six million, while that of the United States is about twelve times as great, is sufficient evidence that very much larger additions have been made from the outside in your case than in ours. Only of late years has Canada had a large immigration from Europe. Even this immigration has been partially counterbalanced by native natural increase, and by an influx of Americans. The European element has been largely going on land, to form rural population. Therefore, at any rate in our cities, the Canadian population is perhaps more American than is the case on this side of the dividing line, using the term "American" in a continental sense.

The results of this difference are shown in the statistics which set out the quantities of liquor consumed per capita in the different countries. Canada's annual consumption is about six gallons. In the United States the annual per capita consumption is about twenty gallons, and in Great Britain, about thirty-six gallons. It will thus be seen that Canadians drink on an average only about one-third of the amount drunk in the next soberest country, and only one-sixth of what is drunk in Great Britain. Of recent years there has been some tendency to an increase of drinking in Canada, caused partially by the inrush of European immigration, and partially no doubt by an increase in national prosperity.

Canadian Differences of Population

Another fact that makes the liquor question less dominant in Canada is that our newcomers have not as much political power and influence as yours have. We are accustomed to looking upon municipal functions and administration as being business rather than politics. The men and women who are directly taxed for the maintenance of public services are supposed to be best entitled to the selection of the representatives who shall control the expenditures made on those services. Our municipal voters are taxpayers or householders.

Differences in Electorate

Again, our population is smaller than yours. Our largest cities are not as large as yours, and this has an important relation to the question of law enforcement.

In other respects conditions in Canada are very similar to conditions in the United States, and show just the features and variations that the preceding speaker has so fully described.

Each of the ten Canadian provinces has a different law for the regulation of the liquor traffic. All these laws have local features, and all of them are of a restrictive character.

Canada has a national local option law, popularly known as the Scott Act. It was applicable only to counties and cities. Under it there was developed the difficulty already described. Prohibition was forced upon a large town by the vote of the surrounding rural community. This fact made law-enforcing difficult, and contributed to a later rejection of the law in many places. At the present time action for the adoption of local option is taken mainly under provincial laws, under which the local option unit is the smallest territory having local municipal government.

In the Province of Nova Scotia, licenses are issued in only two counties out of nineteen. In New Brunswick licenses are issued in five out of fourteen counties. Prince Edward Island is entirely under a provincial law of prohibition. In Quebec more than one-third of the parishes are without licenses. In Ontario, licenses are issued in more than half of the municipalities. Less than thirty years ago this province had 6185 licenses. Now the number is less than 2400. The new western provinces are also making progress in the direction of no-license by local option legislation.

Ontario, the largest Canadian province may be taken as typical of the general character and tendency of liquor legislation. Two classes of retail liquor licenses are issued. (1) Shop licenses, permitting the sale of liquor in quantities to be removed from the premises where it is sold, and consumed elsewhere; (2) tavern licenses, permitting bar-room sale of liquor to be drunk on the premises. Tavern licenses are issued only to places which provide hotel accommodation. The law does not provide for saloons, that is, mere drinking places. A local option ordinance may prohibit shop licenses, or tavern licenses, or both. This gives us three kinds of local option. The form prohibiting all retail selling is the most popular. Three-fifths of the votes cast on the question are necessary to

carry a local option ordinance, or to repeal an ordinance adopted by such a vote.

Regulations for the restraint of permitted liquor-selling are stringent. The number of tavern licenses that may be issued in a municipality is limited to three for the first thousand of the population, and

The Ontario System

to one for each additional six hundred. Municipal councils have little control over liquor selling. They may further limit the number of licenses permitted, or they may increase the hotel accommodation which licensees are required to supply, but they have little else to do with the liquor traffic. The issuing of licenses and the supervision of the traffic in each license district, is under the direction of a board of commissioners and an inspector appointed by the state executive, the province being divided into about one hundred license districts.

The other restrictions in force are similar to those of your states. No liquor may be sold after eleven p.m., nor between seven o'clock on Saturday night and six o'clock on the following Monday morning, nor on any election day, nor to inebriates, nor to Indians, nor to persons under twenty-one years of age, nor within three hundred feet of a school or church, nor within three hundred yards of any agricultural or industrial exhibition. There are also in operation the usual statutory provisions concerning civic damages and the like.

Penalties for law violation are severe. The punishment for selling liquor without license is, for a first offense a fine of from \$50 to \$100 with an alternative of imprisonment, for a second offense imprisonment for four months at hard labor without alternative, and for a third offense imprisonment for six months at hard labor without alternative. A license holder convicted of three offenses within two years, forfeits his license and is disqualified from being again licensed for three years.

The City of Toronto with a population of about three hundred thousand, has exercised its power to limit the number of licenses by city ordinance,

and now permits only two hundred licenses, fifty shops and one hundred and fifty taverns. The license fees charged are \$1200 for tavern licenses, and \$1000 for shop licenses. One-half of the fee goes to the municipality and one-half to the province. The license fee is fairly high, but its amount has no effect upon the number of licenses. The privilege of liquor selling in this case is so valuable that more than \$1200 would be paid if necessary.

The enforcement of law is good. The limited number of licenses makes a license a valuable franchise, and the risk of forfeiture impels license-holders to strict observance of the law. Its tendency is also towards the eliminating of the worst class of men, and the liquor sellers are a selected set. The law is strictly obeyed.

Another factor that makes for efficient law enforcement in Canada, is the British theory and method of making executive action independent

of local preference or prejudice, The framers of your national and state constitutions, carefully differentiated between legislative, judicial, and executive departments of government, but did not give these departments equally broad bases. Your legislature, representing every section of the state enacts laws supposed to be expressive of general opinion and will. Court interpretation and enforcement of that law, to a great extent depend upon local conditions and ideas. Canadians would look with alarm upon the proposal to elect in any county, a judge, or sheriff, or prosecuting attorney, who, because of his election, would feel specially impelled to respect

Appointive Judges

the opinion of his constituency rather than the general purpose of the law. Our judges are appointed by the national executive. Officials, whose duty it is to put the law into operation are appointed by our provincial or state executive. Even the control of police in large cities is not left in the hands of local municipal councils. Nearly all executive officers hold their positions for life or good conduct.

It is easy to imagine a state law against gambling which would be unpopular in some local city, in which city public opinion might elect officials who would make the law a farce. This could not occur under the Canadian plan, which plan therefore makes the enforcement of liquor laws more effective than would be the case if courts and law-enforcers were locally elected.

What is the outlook? The tendency is towards further restraint. The general opinion is that there will be a continuous progress along lines of restriction, to the ultimate extinction of legalized liquor selling. Licenses will be fewer. Penalties for violation will be severer. Fees will be higher. The traffic will become less respectable and influential. Finally, the embodiment of public opinion either in local option ordinances or in provincial statute will terminate the bar-keeper's occupation.

The Canadian Outlook

Allow me to say in conclusion that much of what has been found to be useful in our liquor legislation has been copied from laws passed in the United States. We have learned a good deal from your legislative methods, and we have succeeded in making that legislation effective by the application of English administrative principles. Indeed we are indebted to your example for much of what we have attained on various lines of political progress. To your research and experiment, to your genius for government, to your skill in adapting methods to conditions, we owe a great deal.

It is impossible to over-estimate the benefit that may be derived by your country and ours, from their contiguity and independence. Each has an opportunity to study the methods of the other and the results attained. This may be done by one country before taking up the problems which the other is seeking to solve. We learn from your success and also sometimes from your blunders. In both these ways we may be able to reciprocate. We are better off than if we were politically united, and let

me add that even co-citizenship, could not raise your great nation any higher than it already stands in the admiration and esteem of all intelligent Canadians. [Applause.]

THE CHAIRMAN: I think you will all agree with the chair that Mr. Spence has made a real contribution to the discussion on this subject. The chair has pleasure in calling for further discussion on this subject from the Rev. Dr. John P. Peters of New York City, Rector of Saint Michael's Church, New York, and chairman of the Committee of Fourteen for the suppression of the Raines Law in hotels of New York City. [Applause.]

DR. JOHN P. PETERS: How blessed are they who are in sympathy with their surroundings! I envy the last speaker his complete sympathy with the excise legislation and the administration of that legislation in the Province of Ontario. Unfortunately, I am, to some extent, out of sympathy with the excise laws of the State of New York and to a great extent with the administration of those laws, at least so far as my home city, New York, is concerned; but of that further in a moment.

What we are discussing, as I understand it, is not excise legislation as such, but liquor traffic in its relation to city government. Professor Hatton has, I think, been somewhat unjust to the liquor traffic in that portion of his paper in which he spoke of its political effects. The liquor traffic and the saloons are undoubtedly in politics, but they are not the only forms of business which are in politics and their political influence is not, I believe, by any means so great or so dangerous as Professor Hatton implies.

Some years ago in my own locality a number of us were fighting against the invasion of our decency by a number of very objectionable saloons, with dance halls and immoral attachments of one sort and another. We found no very great difficulty in putting them out of business, except one. That one, I regret to say, exists to this day. It was backed by one of the great street railway corporations of New York. The political influence of the saloon was not able to resist a citizens' movement, but the public service corporation was able to resist us successfully. The political danger in the saloon is its use as a tool by such corporations, seeking to obtain public property for nothing, or without adequate payment. They, not it, are the real source of political corruption and the real obstacle in the way of proper control of the liquor traffic; at least that is my experience in New York, and, so far as I have been able to ascertain, it seems to be the experience of men who in other places have attempted to follow corruption to the bottom, as, for instance, Judge Lindsey in Denver.

And here I may add that the method of some church leaders and church organizations in combating the liquor evil tends at times

certainly to throw the saloon into politics instead of taking it out. They enter the political field only as it touches the liquor traffic. Provided a man vote for their measures in that direction, he may be as corrupt as possible elsewhere and yet receive their commendation and support. A couple of years since I noticed on the list of candidates for the Legislature, having the approval of the Anti-Saloon League in New York (an organization with which I have been glad to coöperate in some of its work), probably the most dangerously corrupt man in the entire Assembly, a man of decent exterior, gentlemanly surroundings and pleasant relations, through whom all the iniquitous sneak-thief legislation of the railway corporations was introduced. Bought and owned legislators of that description can never be calculated on to give us good and honest legislation on any subject, because their first consideration is the provision of proper tools for their own corrupt purposes and those of their clients.

I do not think that we can take the saloon out of politics until we have succeeded in taking other businesses out of politics. The saloon is only part of the whole system. It is a branch, so to speak, of the tree. We must cut down the tree and dig up its roots.

As to the liquor traffic and city government, I speak with much diffidence. I have no best method to propose for dealing with the liquor traffic in cities. Such experiences as I have, such knowledge as I possess and such ideas as I have developed pertain to my home city of New York and I must, therefore, ask you to bear with me if, instead of treating the theme as a whole, I merely speak of our problem in New York City and how, accepting the existing condition of separate state and city governments, and building on our present law, developing it, not revolutionizing it, we could, in a very practical and simple way, reach a condition which would remove certainly some of the most serious evils under which we now suffer.

For those who are not familiar with the New York law, let me say that that law, the so-called Raines Law, after the name of its author and promoter, took effect in 1896 and has been modified only in minor particulars since that date. Mr. Hatton has pointed out that the liquor problem is really a city, not a countryman's problem. But this was a countryman's law, passed by country votes, in a state where the political complexion of the country is different from the political complexion of the great cities, especially New York, and it has, from that day to this, been administered as a country law, by countrymen, not sympathetic with city conditions and who seem to have made no serious attempt to put themselves into touch with city conditions and city ideals. The natural result is that in regard to this law there is a hostility between the state excise department, which is entrusted with its enforcement in the most essential particulars, and the city authorities, to whom falls the administration and enforcement of the law on the police and criminal side. The liquor tax provided by the law is extremely profitable to the state and

The Raines

Law, a

Countryman's

Law

the greater part of those profits are derived from the cities, the Borough of Manhattan alone paying one-half of the entire amount collected from license fees. Although the cities receive a part of this excise tax, they feel that they are being exploited by the countrymen, and that the country receives an undue proportion of the excise revenue which is raised almost entirely in the great cities.

The law provides in New York City, for liquor to be consumed on the premises, a license fee of \$1200 per annum, with a bond, forfeitable in case of violation of the law, of \$1800. The licenses are issued by the state, half of the license fee going to the state and half to the municipality. In addition to the ordinary prohibitions of immorality, gambling houses, prostitution, and the like, in connection with licensed places, the state also prescribes the police provisions, nominating the hours within which the place may be open, requiring that the bar be exposed to the street at hours when sales are forbidden, and especially forbidding any sale of liquor on Sunday. To this latter regulation there is one exception: If the place licensed be a hotel, for no extra fee it may sell liquor on Sunday, provided it be sold with a meal.

For violation of any provision of this law, whether moral and legitimately covered by the criminal code, as keeping gambling houses or houses of prostitution in connection with the sale of liquor, or conventional violations of what are properly non-criminal ordinances, such as selling out of hours, on Sunday, etc., the license may be revoked and the bond forfeited.

The Powers of the Excise Department

Revocation of a license occurs on evidence presented by the excise department of a violation of the excise law in any of its provisions, important or unimportant, before a judge of the Supreme Court. The power placed in the hands of the excise department by these provisions is very great. The law itself is constitutional, as has been decided by the highest courts of the state, only as a police measure. By decision of the court the object of the law is to regulate the traffic, and licenses are issued not primarily for revenue purposes, but to enable the state to regulate and police the liquor traffic.

In spite of court decisions, however, from the outset the excise department has treated this law as a revenue measure, administering it not to regulate the liquor traffic, but to collect as large a revenue as possible from that traffic, and especially from the great cities. It has even undertaken to throw the burden of the police administration, with which it is primarily entrusted, upon the city and county authorities, which have, it is true, by the provisions of the law, coördinate jurisdiction. This is, to begin with, ridiculous.

The cities having had practically no voice in the determination of the police regulations of the traffic, which were framed by persons politically, socially and economically quite out of sympathy with the city, have naturally regarded the law very much in the light of the yoke of a conquering enemy. The city not having been consulted, this law having been imposed

upon it by country legislators and being administered from top to bottom by country officials, even the most honest city officials have felt no great responsibility for its enforcement, while the citizens at large have regarded it with actual animosity. It is for this reason that grand juries in New York City will not indict offenders against this law.

Moreover, the law having given to the state authorities a particularly efficient means of enforcing the law and paid the state enormously for doing so, at the expense of the cities, the city authorities naturally feel that the burden of its enforcement should lie on the state. The result of this conflict between state and city has been that neither party has enforced the law, except for graft. The state, on its side, developed what

may be called an extra legal system of licensing vicious resorts. Having ascertained by inspection or by complaint of citizens that some licensee was conducting a vicious resort, it would secure a revocation of his license and a forfeiture of his bond at intervals of some years, intervals sufficiently remote to enable him to stand the extra tax without going out of business. These extra taxes for running vicious resorts, so calculated that they would not put those resorts out of business, considerably increased the revenue derived by the state from the city, without at all giving that control and regulation of the traffic which the city was entitled to expect from the state in payment for those fees. In New York these penalties are actually more than enough to pay the entire running expenses of the excise department, including the expenses involved in enforcing the penalties.

The city politicians found their profit from the traffic in a manner somewhat different from that of the up-state politicians. Through threats of arrest and criminal conviction for violation of the excise law, they levied an illegal tax on the traffic. By this means practically every saloon, whether running legally or illegally, was compelled to pay a certain monthly sum, which was collected directly or indirectly through the police. This was supposed to be payment for the privilege of running illegally, and saloons which would not open on Sunday were liable to special per-

secution and prosecution by "framed" cases, to force them to run illegally and pay for the privilege. Extra vicious resorts paid in proportion to the amount of their vice and its profits. The policy of state and city officials thus tended to degrade and criminalize the liquor traffic more and more and made the saloon an agent of increasing political corruption.

The hotel provision of the law, giving a special opportunity for Sunday violations and being enforced as to the provisions with regard to what constituted a hotel neither by the state authorities nor by the city authorities, the result was that a large number of saloons added to their saloon accommodations a few rooms, which they designated a hotel. To pay for these rooms, as there was no demand for them for real hotel uses, the saloons came in most cases to allow their use for purposes of prostitution.

This was winked at on the city side, because each vicious resort gave so much additional revenue, and, on the state side, because it increased both the number of licenses and the amount of the extra license fees collected by the state at intervals on vicious resorts. A couple of years ago, in the Borough of Manhattan alone, there were about 1200 fake hotels as over against some 200 to 250 actual legitimate hotels. The effect of this whole system on the social and political morality of the city was horrible. The law as administered was and is infamous. It should be added that the present excise commissioner appears to be making an honest effort to comprehend the situation and to administer the law efficiently; but he is seriously handicapped by the heritage of past maladministration.

And now for a few suggestions with regard to what can be done, substantially along the lines of the present law, for it seems as though it would be practically an impossibility to change that law in its fundamental provisions.

The answers to the questions sent out in preparation for this discussion show a pretty general agreement as to the value of limiting the number of licenses in any given place in proportion to the

Limiting the Number of Saloons

population. This would probably be a good thing in New York City. It is likely to be opposed on the revenue side, however, from fear that it may diminish the revenue received by the state from the sale of licenses.

This is a practical if immoral difficulty. It might be obviated on its practical side to the distinct advantage of its moral side by making the present license fee a minimum and providing that licenses like ferry franchise should be bid upon and knocked down to the lowest bidder who complies with the conditions, financial, moral and otherwise, attached to the license. Some licensees could very well afford to pay a great deal more than \$1200, and this might become the case with all licensees if the number of licenses were regulated. Of course this involves the danger, which is a peculiarly great one in New York state, that the license, having thus become property, should be regarded by the court as a vested right, a contract on the part of the state which can not be violated, never mind how grossly the licensee on his side violates the law which was the condition of his license or franchise. To make such a system effective it would be necessary, also, and that would be a great gain, to extend the term of the license, which would not, of course, affect the annual revenue derived from the same. It would also be necessary, and in this there would be a very great gain (in fact, this should be the next step in amending the law in New York, whether the number of licenses is regulated or not) to connect the license with the property.

At the present time each license is granted to an individual. An individual may have as many licenses as he pleases, provided he comply with the conditions, pay the fee, put up the bond, etc. If a license is revoked the same licensee may not have the license renewed. But in point of fact the business continues, in 99 cases out of 100, to be conducted by the same

man, who at once gets out another license in the name of someone else, an employee, bartender, or the like.

In New York City behind the larger part of the saloons stand the brewers. One or two breweries actually own all the places in which their beer is sold. Others control the places by chattel mortgages, the assignment of licenses, etc. If the revocation of a license carried with it the condemnation of the place for a certain period of years, it would at once become the interest of the brewer, and, where the brewer did not own the property, of the property owner, who can generally get a larger rent by letting his place for a saloon, to see to it that the law is not violated.

But more important probably than these changes in the law itself, is a change in the method of its administration. If the excise department can be compelled to carry out its obligation of police regulation and control, not making the collection of revenue the first object of its existence, we shall secure a very much better condition of affairs in New York. To be sure the excise department is not properly equipped for this purpose. The state, which receives so large a revenue from the cities, does not furnish the excise commissioner with a sufficient number of deputies to do the work. But the excise department itself has been the greatest sinner. It

The Sins of the Excise Department

has devoted its time and attention to collecting revenue. It has failed to establish a proper administrative office in New York City, and even to come into touch with the police officials, as it should do under the provisions of the present law. If, in the case of each vicious resort, the existence of which the excise commissioner discovered or which was reported to him through the activity of citizens, or the evidence of the existence of which was obtained through a criminal court conviction, he would proceed promptly and not once but as often as need be, in rapid succession, to secure revocations of the licenses and forfeiture of the bonds, he would put such a place out of existence, or compel it to obey the law and by doing so would exert on the whole traffic in New York City the same wholesome influence which is exerted in ordinary police matters by following up offenders in the courts, until their offenses are put an end to.

As a matter of simple, common sense it ought to have been plain to any intelligent man that, if this law were to be enforced at all in the cities, it must be enforced primarily through the methods of civil procedure intrusted to the state authorities; that the cities could not, under the circumstances, be expected to cooperate effectively on the police side. It is in fact better that, so far as possible, this matter of licensing and controlling licenses should be taken out of police administration and put on a property basis. If saloon keepers knew that the excise department were really going to exercise its police power in the manner indicated, the opportunity for police graft would largely vanish. As the police could not give security against excise department prosecutions for revocation of license and forfeiture of bonds and consequent closing up of their places, saloon keep-

ers would not be willing to pay police graft for the privilege of violating the law.

But while proper enforcement of the law by the state authorities would thus obviate some of the most serious evils of the present situation, there will always remain a police relation to the saloon as to every other business, and a closer relation than in the case of most other forms of business. That being the case, it is desirable, so far as possible, to have the city authorities in sympathy with the police provisions of the

**The Police
Relation to
the Saloon**

law. Now by the New York law local option is granted everywhere except in the cities. There is no legitimate reason for this exception. Local option should certainly be granted to the cities as it is granted to the rest of the state. Probably for a city of the size and character of New York it would be better to grant local option by districts, following some established district lines, assembly, or local improvement board, presumably, being the most convenient. While this local option might not be availed of, the fact of its existence would be of value in bringing citizens into sympathy and securing their coöperation with the law, by, giving

Local Option

them some responsibility under that law. Further, there should be local option as to what are merely police regulations and which must be enforced primarily by the city authorities, as, for instance, the hours at which liquor shall be sold, whether liquor shall be sold on Sunday; if so, under what restrictions, etc. Presumably this sort of local option should be not by districts, but by the whole city, since it is the whole city which is concerned in the police administration. No one at the present moment has any real knowledge of what the citizens of New York think and feel on the subject of Sunday opening. Much has been said about it and the fact that the citizens themselves have no option in the matter has been used most effectively to excite disaffection toward the law. In simple common sense the city should be allowed to decide such purely police matters as that for itself.

These are only a few very simple and partial suggestions, in no wise radical in their character. I do not claim that, these modifications made, the law would be ideal or the best possible. They would certainly, however, go far toward alleviating conditions in New York, and if we could secure a proper police enforcement of its own excise law by the state—that, you see, is a question of administration rather than legislation—I think that a very livable condition would be attained and that the saloons would probably be much less in evidence politically than they are or are believed to be at the present time.

THE CHAIRMAN: I now have the pleasure of introducing Mayor Charles Fisk of Plainfield, N. J., who is also chairman of the New Jersey Excise Commission.

MAYOR FISK: The question of the proper solution of the liquor problem in the state of New Jersey is one that is now most prominent before the people of the state. In accordance with a joint resolution of the Senate

and General Assembly passed at the last session of the Legislature, the Governor early in the year appointed a commission of seven citizens to investigate the whole subject of the excise question in the state and to make such recommendation with respect to changes therein as in their judgment may seem wise, and report to the Governor on or before the fifteenth day of December, 1908.

**New Jersey
Excise
Commission**

This commission had the power to hold sittings in such places in the state as might be most convenient and necessary, and compel the attendance of witnesses, and the giving of information in response to the proper inquiry. It started in upon its work July first of this year, and since that time has held a number of meetings in various parts of the state and examined and taken statements from over 500 witnesses.

The State of New Jersey is peculiarly located geographically. It is really a right of way connecting the south and west with the north and east. Every great railroad leading from the south and west into the City of New York, with the exception of the New York Central, passes through the state. At practically one end of the state is the city of Philadelphia, and at the other end the great city of New York. I mention this matter here simply to show that whatever action may be taken in the state of New Jersey in regard to liquor legislation, we must take into consideration the influences that are necessarily brought to bear from the neighboring states of New York and Pennsylvania. New Jersey

**Characteristics
of New Jersey**

is also a sea coast State, having 150 miles of shore front extending from Cape May to Sandy Hook. On this coast are some of the principal seaside resorts of the United States, including Atlantic City, which is said to be one of the most popular and largest seaside resorts in the world, having at certain times during the year a visiting population of seekers after pleasure of from 200,000 to 300,000 people at one time.

The population of the state of New Jersey is estimated approximately at 2,300,000. In the state there are 7253 persons holding licenses to transact a retail liquor business, and 608 persons for the transaction of a wholesale business, making in all 7861, or one licensed place for about every 300 people. The license fees vary from \$100 to \$1000 and the total amount of license fees paid in the state in round figures is \$2,700,000, which money is used for the general expenses of the municipality in which the licensed places are located, thus reducing the amount of money to be raised by taxation. There is no uniform authority in the state for the granting of licenses. In some places the licenses are granted by a license board elected by the people at a general election; by a license board appointed by the mayor of the municipality; by a license board elected by the common council or other governing body; by a license board appointed by the judge of the court of common pleas; directly by the common council or board of aldermen; and by the judge of the court of

common pleas—making in all six different systems. There are located in the state at the present time, 43 breweries with a combined capital of something over \$30,000,000, and a total output of over 3,000,000 barrels a year, valued at something over \$17,000,000. In addition there are several small distilleries principally for the manufacture of "apple whiskey" having an output of between 65,000 and 70,000 gallons of distilled spirits. There is also a growing industry for the cultivation of grapes and the manufacture of "light wine." It is estimated by competent authorities that there are about 3000 acres of vineyards, and that something over \$2,000,000 invested as capital in lands, buildings, machinery, wine cellars, etc., with an output of about 250,000 gallons of wines a year, valued at about \$250,000. These various industries give employment to about 5000 wage earners. According to the reports of the United States Treasury Department, \$3,500,000 was paid by the dealers in liquor and the manufacturers as internal revenue. This taken together with the amount stated above as paid in license fees, would show that in state, municipal and federal taxes, the manufacturers and dealers in liquor in the state of New Jersey are paying a tax of something over \$6,200,000.

The laws now in force provide that no liquor shall be sold without a license: that all saloons must close at 12 o'clock Saturday night; that no liquor shall be sold on Sunday or on election day; no liquor shall be sold to a minor under 21 years of age, or an intoxicated person, or a confirmed drunkard. For harboring drunken persons vagrants, idle and vicious persons, thieves, gamblers, prostitutes or other disorderly persons, or allowing gambling or unlawful games of chance or permitting a minor, boy or girl, under 21 years of age, to lounge or frequent his place; that the license, upon conviction shall become forfeited and void. Also that except in a hotel or inn or tavern, having at least ten spare rooms and beds for the accommodation of guests, or a restaurant where the business is carried on more than one floor, or a building with a bowling alley, or a picnic or recreation ground, or in a regularly organized club where intoxicating liquors are sold, that the business shall be carried on in one bar or business room, the interior view of which is in full view from any part of the interior, and that during prohibited hours, there shall be no screen or other obstruction so placed in the windows or doors, so that a full view of the interior cannot be had from the exterior. In case of conviction, the license shall be forfeited and the offenders deemed guilty of keeping a disorderly house.

Owing to the conditions existing in different parts of the state in regard to population, occupation, geographical situation, it is very difficult to sum up the general conditions in regard to the liquor business in a general way. Jersey City with the adjacent municipalities located on the Hudson River just opposite New York has a large cosmopolitan population. It is the terminal of all the great railroads

Liquor Laws now in Force

Law Enforce- ment Varies

and many of the large ocean steamboat lines. In certain parts of this locality there is a large German population, who it is well known are accustomed to drinking beer at all times. While being in close proximity to New York City and the large number of men employed on the shore front loading and unloading vessels and cars, brings together a rather rough element and at times very undesirable people.

The city of Newark, fourteen miles further inland is one of the largest manufacturing cities, with a population of something over 300,000, with about 4,000 manufacturers. While the city of Paterson, only a few miles farther off, with a population of something over 120,000, is another manufacturing city in which are many silk mills, and the city of Elizabeth, with about 60,000, people might also be classed as one of our manufacturing cities, as here are located the Singer Sewing Machine works, and the Standard Oil Company are now erecting one of the largest refineries in this country.

At the other end of the state as stated above and along the coast, there is a large pleasure-seeking community, coming from all parts of the world, to be contended with. In the inland cities there were found very few violations of the excise laws. The liquor dealers seem to be content with the present condition, and with the selling of liquor on six days of the week. The principal violations are to be found in the seaside resorts and the larger cities. The reasons for these violations could be summed up in this manner. (1) Political influences and arbitrary interference of political leaders in regard to the granting of licenses, and the enforcement of the laws. (2) The apparent disinclination of officers whose power it is to grant licenses, to insist on proper regulations being complied with, and that the character of the applicant be thoroughly investigated before the license is granted; the tendency to grant more licenses than are conducive to public good in order to get the revenue and

Reasons for Variation

reduce the taxes in the municipality. Also the apparent inclination of officials and police officers, whose duty it is to enforce the law, to do so only so far as they are forced to by public opinion. (3) To the brewery influences in creating greater number of saloons than are conducive to the public good, in order to get an output for their beer. (4) The persistent determination of the drinking public to procure drink during prohibited hours, and in places where no licenses are granted simply because they know it is contrary to law.

Whatever may be the experience in other states, the brewery influence in the state of New Jersey is very large. It is estimated that the breweries control at least 70 per cent if not more of all the licensed places in the state, and they bring their influence to bear politically and in other ways, to create as large a number of places as possible, so as to procure an output for their beer.

The control of the brewery over the saloon is brought about by several methods: (1) By owning the property where the license is granted. In this case the brewer owns the real estate and either rents or leases

the property to the saloon keeper for a term of years, or from year to year or from month to month, as the case may be.

**The Control
of the
Brewery**

(2) Where the brewer takes the lease of a property for a long period and sublets to the saloon-keeper for a shorter period. (3) Where a brewer takes a chattel mortgage for the saloon-keeper upon his stock and fixtures, such chattel mortgage being taken as security for notes, on the purchase price of the business and furniture. (4) By the brewer advancing money to pay the license fee for the saloon keeper, this money to be repaid in weekly or monthly payments, during the year, the brewer taking a power of attorney for the transfer of the license and recording same with the municipal or county clerk, thus preventing a saloon-keeper from transferring or selling his license without the brewer's consent. Which ever method is used, as a usual thing the brewer makes an agreement with the saloon-keeper that no other beer, except that manufactured by the brewer, shall be sold, and the brewer in this way has full control over the saloon-keeper, by which he insures the sale of the output, and secures the payment of the money loaned or advanced, without in any way making himself responsible for violations of the law or conduct of the business of the saloon-keeper.

While the brewers admit the above, they claim that to the best of their power they endeavor to induce their customers to obey the law, maintaining, however, that under the laws the saloon-keeper is as free in his action as any other person, and it is only by moral, not by physical means that they can control him, and that the relations of the brewers and the retail trade are the same as in the other business and there is no mystic chain linking them together. They also claim that the relations between the brewer and the retail dealer are not so great in many instances as that of many other wholesale dealers, such as cigar manufacturers, grocers, provision dealers, mineral water dealers, ice and coal dealers, not to mention others that are financially more interested than the brewers. Admitting the claim of the brewers to be true to a certain extent, it seems only reasonable that the brewers or any one else directly or indirectly interested in any saloon should be held jointly responsible with the proprietor of the saloon if the said saloon is run contrary to the laws of the state.

As it now stands in this state in the case of a violation the brewer or wholesale dealer holding a power of attorney, immediately transfers it to some other party, before the defendant can be brought to trial; Thus saving the license and the place where the license is granted, which is absolutely wrong.

The questions now before us in this state is to try to untangle all complications in the present laws, and to frame such laws as will prevent as far as possible future violations, under which all guilty parties can be brought to justice. It could be honestly said that a large number of persons, in fact the majority of persons holding licenses for the sale

of liquor are intelligent, respectable, good citizens, who desire to conduct their business well and in a proper manner. There is no class of men

The Present Problem

more anxious to have proper laws enacted and proper legislation enforced, under which they can carry on their business and be looked up to as law-abiding citizens, without being considered as criminals, and law breakers, than the legitimate manufacturer and dealer in wines and liquors. The other class are men who have absolutely no respect for law and should be driven out of the business. And it is this last class of men that all legislation must be directed against.

There is one thing that seems perfectly apparent, that as long as liquor is manufactured and brought into a state, it will be sold and drank, license or no license. Therefore it becomes necessary to enact reasonable and sensible laws in regard to the regulation of the liquor business that can be enforced and to provide means for the enforcement so that the legitimate and respectable dealers may be protected and the others brought to justice. If the licensing power could be placed in such a manner that a careful investigation were made not only in regard to the character of the applicant, but to the location of the place where the liquor was to be sold, and arbitrarily refuse to grant licenses to any one that did not have a good character and standing in a community, and that should it develop that a place was not even technically conducted in a proper manner, even though the violations were not such as to cause an arrest or conviction, that at the expiration of the term of the license it would be impossible to get a renewal, this would go a great ways in cleaning out undesirable applicants.

The next important question is the proper enforcement of the law and such regulations and provisions as would make delinquent officials and office holders do their duty. Where the people insist on electing persons to office who continually neglect and refuse to do their duty, the enforcement of law is absolutely impossible. And such officials and office-holders who continually neglect and refuse to do their duty, whether in the enforcement of the excise laws or any other laws, should be removed from office, and their action or neglect of action should be considered as a misdemeanor. The power to revoke should be placed with such an authority as would provide for a fair hearing on both sides, and a conviction of any of the conditions for the regulation of the liquor traffic, should carry with it a revocation of the license. If these three questions could be decided in a practical manner all the other matters and conditions in regard to the liquor traffic could be easily arranged and carried out.

The question of local option is one that has been agitated in the state of New Jersey for some time, and is still being agitated, and will probably be before the Legislature this winter.

Municipal Home Rule As a principle of home rule, there seems to be no question but that the residents of a municipality should have the right to decide whether or not liquor should be sold or not be

sold in that municipality. It seems to me that the unit should be municipality and not the state or the county, and the only question should be, "How is the best way and the most practical way to bring this matter before the people to accomplish the desired result?" The matter should be so brought before the people as to honestly and fairly carry out their wishes in the matter, but at the same time it should be borne in mind that many places where the vote would be for the sale of liquor, it would be necessary to have strict regulations, therefore it seems to me that before any local option measure is adopted, in any state, that the state should enact a strict regulation law in regard to the liquor traffic, so that in places where licenses are voted for, the business will be conducted properly. How this can be best brought about, is a matter for future discussion. The question of selling liquor on Sunday, whether in saloons or hotels and restaurants with meals, is entirely another question which should not be confounded with the question of local option

I have accepted the invitation to take part in this discussion. At the present time as Chairman of the New Jersey Excise Commission, for the investigation of this law, I am a seeker after information. The report of the Commission must be in the Governor's hands by the 15th of December, and I have purposely avoided giving any definite explanation of my own views, or those of any other member of the Commission, for the reason that until all of these questions are fairly decided upon, and the report has been placed in the hands of the Governor of the State of New Jersey, it would not seem proper or fair to others, that I should do so. I might add, however, that there are several questions of importance that it might be well to discuss, such as the question of selling liquor in drug stores. This is a matter that in justice not only to the people but to the liquor dealers should be carefully looked into as some dealers in drug stores and pharmacists and even doctors derive the larger portion of their income and business from the selling of liquor under various names, contrary to law, in drug stores. Another question is the purity of liquor sold, both beer, distilled liquors and wines, which at present the pure food laws of the United States and of the various states do not cover. As a great deal of stuff is sold and manufactured under the name of a compound, that is absolutely not fit to drink, and is very injurious to the health, a standard of purity should be fixed for all malt brewed, vinous, distilled or other intoxicating liquors, and it should be a state's prison offense for any one to dispose of or give it away, or have in their possession for the purpose of selling, any of these deleterious concoctions.

As I understand that this session principally bears on the political and municipal phases of the liquor problem, I have not attempted to go into the question of crime, or dependency, or other evils, directly or indirectly due to the use or abuse of alcoholic liquors.

Whatever may be the situation in other states, it is very apparent that in the State of New Jersey, there are entirely too many licensed places

for the sale of liquor. This number must be reduced and the only practical way seems to be to increase the license fee and limit the number of licensed places in proportion to the population.

THE CHAIRMAN: We will now hear from A. Julius Freiberg, Esq., Cincinnati.

MR. FREIBERG: I don't know that after this very eloquent discussion you have heard I can add anything to the subject in hand. I can remember that about fifteen years ago when I was an undergraduate I wrote a thesis on the Gothenberg system, and I concluded that that thesis of mine had fixed things for time and eternity. But now at this moment I really believe that I cannot remember what the Gothenberg system is, although I have some faint ideas on the subject. However, I have been engaged to some extent in the reform or attempted reform of political conditions in my home town, and I have also been interested to a large extent in the liquor question in my own town and in my own state, and I have some fairly definite conclusions on the subject.

If I may say so without attempting to patronize, I think Professor Hatton's was one of the most complete analyses I have ever heard presented and I am sorry it did not arrive at any definite conclusions that we could put into practice. And yet Professor Hatton cannot be blamed for that, for in spite of all the suggestions we have to give, you gentlemen who have not given this subject anything but emotional consideration would somehow find if you had to look it in the face, that it is the most difficult problem we have to deal with in this country. It is very unfortunate that the discussion of the liquor question in city affairs as well as in general, has, by the very nature of things, been left to two classes, two extremely prejudiced and untrustworthy classes,—untrustworthy on this subject—on the one hand the brewers and the wholesale liquor dealers and the distillers and saloon-keepers, and on the other hand the ministers of the gospel. Midway between the two there has been of late some discussion very largely participated in by men of German birth. Most notable among these is the contribution of Professor Münsterberg of Harvard University. And still even in Professor Münsterberg's discussion you can find some latent bits of prejudice if you search very far.

To come now to the subject under discussion, that is to say, the connection between the saloon-keepers and the liquor question and distinctly local city affairs. It seems to me that Professor Hatton has gone over the ground pretty fairly with perhaps one exception. Now, before I come to the point that I refer to, I want to say this, I am very much opposed to prohibition, not merely because it does not prohibit or because of a great many other reasons, but because I do not believe that you ought to prohibit persons from indulging in intoxicating liquor in moderation if they so choose. I have had that very firmly grounded in my constitution from childhood up although I hardly participate at all in the use of intox-

icating liquors. But I do not now believe that the saloon (although I did believe it at one time) is as large a factor as such in municipal affairs as a great many of us in National Municipal League have been led to think, and I have found that out in the last six months or a year in the State of Ohio. You would be surprised as a Factor what a small factor the combined brewery, whiskey and saloon interests are when it really comes to a question of political influence. The liquor traffic can only subsist and does subsist in one form or another because the people as a whole demand that that traffic shall subsist in one form or another, and therefore it seems to me it is a very simple proposition that we must as the last speaker says, so conform our laws as in some measure to try to appeal to the wishes of the people as a whole.

Now, it must not be forgotten by you gentlemen who are very ardent prohibitionists, and you gentlemen who are very ardent on the other side of the fence, that there is a class of persons and a very respectably large sized class of persons who do not agree with either of you. It is a curious thing, but the liquor men, the distillers and the brewers cannot understand how there can be any other side to the question, and the preacher when he discusses these questions will not refer to the constitution or the law or the right or the wrong of it: he will say there is only one right or wrong, and refuse to argue the question. Now whether either side be right or wrong is relatively unimportant. There is as a matter of fact a difference of opinion; that is purely a practical question; a condition and not a theory that we must meet.

To come down to my point, I do not believe that the saloon-keeper of Cincinnati for example, simply *qua* saloon-keeper, has any more dangerous influence on the body politic than any other person interested in protecting his business. And when it comes to joining together because they have a community of interests, I think Professor Hatton is wrong. The breweries and distilleries blame the saloon-keepers for their trouble, and *vice versa*. I do not believe that in Cincinnati the saloon-keeper as such affects political conditions any more than the same kind of men would affect political conditions if they were in some other kind of business.

Necessarily our system of machine politics contemplates the meeting of the clans and the gathering of the people in some particular place. If you did not have the saloons to meet in, these people would undoubtedly be somewhere else, and I do not know that it is a bad thing to meet in saloons. Of course, I don't mean to defend the saloon, or to strike an attitude; I am very serious about it. I want you to see how it is perfectly natural for men in a certain plane of life to congregate in a place where they choose to congregate, and if the situation is harmed any by the fact that intoxicating liquors get mixed in and spread over the slate sometimes to its detriment, of course that is a bad thing, but that does not go to the essence of the thing. It simply goes to various forms of various methods of supervision over these places that we may improve upon if we try.

I think that the chief deleterious effect of the saloon in politics as far as my own city and state is concerned lies in the fact that such laws are placed on the statute books by state legislatures, mostly by men from up country who are controlled by the local preacher, who is the guide, philosopher and friend, as he should be, of the man who lives in the country, and a class of laws are placed on the statute book by those men that the city people will not tolerate. I am not drawing any definite conclusion as I said before, but what is the result of that? Your boss in your large city—we have Boss Cox in Cincinnati—and they have a boss in Cleveland and they have a boss in Columbus and in every city—knows perfectly well he has an engine in his hand that he wants to perfect to keep in power, his own machine. In Cincinnati we have sixteen hundred saloons. We have a law against Sunday selling. If a citizen should see a saloon closed on Sunday he would probably stop and wonder what was the matter. The people in Cincinnati, generally speaking, do not require the saloons shall be closed on Sunday, and there rarely would be any trouble if it were not for the fact that if at any time a saloon-keeper refuses to conform to the rules of the machine the boss very conveniently hauls that man over the coals. Of course the boss owns the police magistrate. He hauls the man up and points with pride to the statute on the book; and the man promptly coughs up, or at least he behaves himself for some time to come. That is the great difficulty so far as I am able to see, and so far as the saloon is concerned with politics in our own city.

There is not time for me to go into this subject any more deeply, because it is a tremendous subject, and if I have only appealed to you, to those of you who are prohibitionists, or those of you who are on the fence, or those of you who are brewers or distillers to try and feel when you are coming to a conclusion on the subject that there are other respectable persons who disagree with you, I think I shall have done something.

In conclusion I want to advert to one thing which I think I may safely say most students of the subject, even with their limited means, agree upon, and that is the system of licenses. We have a system in Ohio under which the state taxes the city on every saloon wherever it happens to find it. We have a constitution in Ohio which prohibits the licensing of saloons. That is a very curious story, but the supreme court has always gotten around that by saying that the tax is not a license, it was a tax. Of course since the tax was raised from five hundred dollars to a thousand dollars a number of saloons have been put out of existence. But

The Ohio System

it does no good when it comes to the keeping out of business of the bad element (if you will agree there is any good element in the business). If we have some kind of a system of license which not only the brewers and distillers are calling for but also the temperance people in their desire to do something regarding the traffic, we should be very much better off.

Now, it seems to me that half the difficulties that the licensing state has to deal with lies in its form of licensing authority or lies in the fact that the license must be renewed periodically. If you would only devise some system by which that license should give to the saloon-keeper a reward as well as a punishment, make it possible for him to look upon his business as an asset, make it so that at any time that saloon-keeper misbehaves he shall be tried once or fined, or imprisoned, if you please, tried another time and his license revoked perpetually, you might to some extent find a system by which you could regulate the traffic by making it more respectable, and if you get more respectable men selling liquor to those who desire to drink you would at least lessen the troubles we have to deal with. There are a great many other things I would like to say, gentlemen, but my time is up.

THE CHAIRMAN: This completes the program for the morning.

MR. HUGH F. FOX, New York: *Mr. Chairman, Ladies and Gentlemen:* I have been very highly complimented by being raised in the same class with our friend, Dr. Peters. He represents the untrustworthy class spoken of as the ministers. I represent the United States Brewers' Association.

This discussion this morning is fairly baffling. There are a hundred points that have been raised to challenge discussion, and I trust at least this impression has been left with you that the question is a very great and difficult and complex question; that it needs very careful study, and that it is such a question as may well be given very much further consideration by the National Municipal League. And in two minutes I just want to say this, that it seems to me that the National Municipal League has a very serious responsibility in connection with this matter. Amid all the conflicts of this question and all of the distortions and exaggerations and misstatements that have been made upon both sides, this much has been gained, that a separate inquiry has been started, that there is a determination to grapple with this question, that there are hundreds of thousands of people whose attention has been directed to it in this country now, and who are ready for leadership and who want information. I believe that the National Municipal League and similar bodies which represent students of government have the responsibility at this time of using constructively this great sentiment which has been started and this spirit of inquiry so that out of all this discussion some good may come and some progress may be made. I believe that it would be a splendid thing if the National Municipal League could establish some commission of investigation, such, for example as the Committee of Fifty to which reference has been made, or would spend time enough and would procure adequate ability really to study this question, not in an academic way, not by the questionnaire method, but study it personally by investigation and research and comparison, so that there might be a program that would be of some

help to the whole people from the standpoint of government and from the standpoint of the community interest.

As a law abiding brewer, Mr. Chairman, I am going to recognize the closing hours, and I just want to say in conclusion that I believe the interests of the brewer and the interests of all classes in the trade, the real interest, both as brewer and citizen, coincide with that of the community and that the best thing that can happen for the brewing trade is to have a permanent and stable condition of trade established by legislation which will give men of responsibility in the business an opportunity to feel that it is a business that they can profitably follow, and that it is not subject to the odium which is at present, either justly or unjustly, attached to it, and I only trust that in the proceedings of the conference Mr. Fisk's work in New Jersey will be enlarged on more fully, and that he will tell the League about the very able work he has done as Mayor of Plainfield in handling this.

And I want to thank Professor Hatton for the ablest addition to this subject we have received since the reports were published. And I entirely agree with all his many contentions, and I think you will be interested to know that the United States Brewers' Association in feeling the need of enlightenment on this subject has recently secured the services of a group of people who have been preparing a bibliography of the subject. They have spent the summer visiting all the public libraries of this country and Europe and we hope that within three months to present a complete bibliography since 1893 in all languages which I think will be a pretty formidable document.

Mr. James W. Houston, Pittsburgh, submitted the following remarks:

Having been an active participant in every reform movement in Pittsburgh for the past twenty years; and having also studied the liquor problem in a practical way for the same period, I may perhaps claim to be qualified to speak on this subject.

In the memorable reform movement in this city just before the enactment of the Brooks law, the problem of law-enforcement was presented in an acute form. The fifteen hundred saloons in Pittsburgh and Allegheny ignored the law against Sunday liquor selling. The mayor and the police officials refused to enforce the law. Public sentiment tolerated Sunday liquor selling as a necessary evil.

A few courageous citizens appreciating the gravity of the situation and the growing menace of a spirit of lawlessness, formed an organization for the enforcement of law. After warning, which was

Law

Enforcement

unheeded, a number of prosecutions were instituted. Encouraged by the sympathy and even the aid of the police officials, the saloons were defiant. The contest waxed warm. Intimidation was tried, even personal assault. The league was steadfast and determined. The campaign lasted a year during which 544 convictions for Sunday liquor selling were secured, and fines imposed

aggregating \$27,500. The victory was complete. The league continued operations for two years longer, but its chief work was gathering evidence for use in the license court. Sunday liquor selling was so thoroughly stamped out that this form of violation has been rare in Pittsburgh ever since.

I have presented this concrete illustration to show the fallacy of the proposition that laws against the saloon cannot be enforced unless backed by public sentiment. *It all depends on the man behind the law.* Such laws can be as well enforced as other laws against crime. This has been demonstrated again and again in recent years. Roosevelt as police commissioner of New York enforced the law against Sunday liquor selling. Governor Folk compelled the enforcement of the same law in St. Louis.

A still more notable instance is the recent effective enforcement of prohibition in Kansas City, Kan., by Assistant Attorney General Trickett, in the face of the protests of the business interests and of the opposition of the police officials.

I am convinced that the failure to enforce laws against the saloon is chargeable to the subserviency or cowardice of executives and police officials. Such officials should be classed with the soldier in time of war who is guilty of cowardice in the presence of the enemy. They should be branded as cowards and punished with political death. No man should accept public office who is not resolved to perform his sworn duty even at the risk of his life. When the rulers of our cities are actuated by this spirit there will be no question about the enforcement of liquor laws.

We are slowly learning that citizenship in time of peace demands as high patriotism, courage and sacrifice as in time of war. Instead of condoning lawlessness or compromising with it, we should seek to raise the standard of municipal service to this high level.

There is another side to this question which is entirely overlooked by the advocates of compromise. The **Effect of Law Enforcement** enforcement of law is educational. The practical demonstration that a law can be enforced and the marked betterment in the community resulting from such enforcement, create a favorable public sentiment.

The converse is equally true: Non-enforcement of law debases public sentiment and this debasement is progressive even to the limit of moral paralysis. But this is not all. Contempt for one law begets contempt for law in general. The contagion of lawlessness spreads, producing a frightful increase of crime and a general feeling of insecurity.

There are gratifying evidences that we are entering on a new era. The type of time-serving officials is passing. A new type of bold fearless officials is coming to the front.

And now just a word with reference to the final solution of the liquor problem.

We learn from history that the people in dealing with great evils invariably resort to compromise and regulation first in the vain effort to

arrive at a settlement. Only after the demonstrated failure of such devices are the people driven to the only final solution. It was so with the slavery question; it was so with the lottery. It is so with the liquor problem. All sorts of regulations have been tried, low license, high license, greater restriction, state dispensary. All of these have been found unsatisfactory. Indications multiply that the people have wearied of experiments and have reached the conclusion that the final settlement of the liquor problem is the banishment of the saloon.

Leaders of thought are apparently in harmony with this trend of sentiment. One of the most significant utterances indicating the change of attitude of this class is that of President Eliot of Harvard University. Referring to his being brought up to respect exact science and to keep an open mind on all questions, he says: "I suppose that is the reason why, as I have grown older and have seen more, I have changed my view about license and no-license. I feel that much has been proved showing that it is physically and mentally and morally for the advantage of a population as a whole to go without alcoholics as a rule.

"What is the justification of interference with that (human) liberty? There are a good many questions concerning which we must ask that question—the justification for interference with liberty. I found that justification in the experience of Cambridge under a no-license system. It seemed to me that the collective good, by excluding saloons from Cambridge, justified the abridgement of the individual liberty, particularly when that liberty was a liberty to use for pleasure something that was unwholesome.

"I have found in that fact that justification for interference with personal liberty to that extent—the exclusion of the saloon."

This utterance of President Eliot based on the latest conclusions of science and on his own observation, is in marked contrast to the report of the Committee of Fifty some years ago, of which he was a member.

The meeting then took a recess until two-thirty p.m.

TUESDAY AFTERNOON SESSION.

Tuesday, November 17, 1908, 2.45 p. m.

The fourth session of the Conference was called to order in the Chamber of Commerce rooms by Horace E. Deming, Esq., chairman of the Executive Committee.

THE CHAIRMAN: We will begin the afternoon session by some announcements by our secretary.

Secretary Woodruff announced that Mr. Reynolds had been detained at Washington at a conference held by the President and would therefore not be present until later to read his paper; that Professor Fairlie had been delayed and would not be present to read his paper until tomorrow; that

Professor Lowell had prepared a paper with the understanding he would not be required to be present, and that it would be printed in the proceedings.

Prof. A. Lawrence Lowell's paper on "Permanent Officers in Municipal Government" was then presented. (See Appendix.)

The report of Prof. William Bennett Munro on "The Present Status of Instruction in Municipal Government in American Colleges and Universities" was read by Mr. Woodruff. (See Appendix.)

THE CHAIRMAN: The report of Professor Munro proves conclusively the growth of a demand and desire to supply the demand for intelligent knowledge of municipal government. We shall now listen to a paper by Mr. H. D. W. English of Pittsburgh on one of the most important questions now beginning to engage the attention of business bodies throughout the country, "The Function of Business Bodies in Improving Civic Conditions." [Applause.]

Mr. English then read his paper, which is printed in full in the Appendix.

THE CHAIRMAN: We will now have Mr. Paine's paper on "The Initiative, the Referendum and the Recall in American Cities."

Mr. Paine then read his paper, which is printed in the Appendix.

THE CHAIRMAN: Two of the most live topics of the day in regard to city government are open for discussion. One, the value of the unselfish patriotic interest of business bodies in the civic matters of cities, and the other the progress toward home rule and the government of our cities toward securing a government there which shall be representative of the public opinion of the voters of those cities, by means of the initiative, referendum and the recall. We have plenty of time to discuss either or both of those topics and reasonably short speeches on either of those topics—and by "reasonably" I mean those that seem to your chairman reasonably short,—will be welcomed.

MR. GEORGE BURNHAM, JR., Philadelphia: *Mr. Chairman:* I would like to say a very few words on the question brought up by Mr. English. I think we all feel that Mr. English has presented the matter in an admirable way and has shown what can be done by commercial organization. But per-

Difficulties in the Way of Commercial Organizations happens it would be interesting to know what sometimes happens, and what the difficulties are in such movements on the part of commercial bodies and what sometimes happens when the question is taken up by such bodies. They have more dynamite in them than some of the matters that I see by the report of the Pittsburgh Chamber of Commerce have been discussed by it, such as the improvement in the milk supply and even in the civil service law.

I am a member of the Trades League of Philadelphia. We had for some time a committee upon street cars. This committee had gone into an exhaustive inquiry into the service, and had criticised the service pretty vigorously. Now something like a year ago a proposed contract was

suddenly sprung on Philadelphia by the street car company that would tie up the city for fifty years and more with the company, and in which the city would surrender very valuable privileges. The street car committee of the Trades League took the question up and made a very careful and exhaustive study of it, and opposed this contract very vigorously as it was thought it was not to the city's interest.

The League's Committee appeared before the legislature and opposed the enabling act which was before the legislature and which was passed. The street car people then commenced to back fire on the Trades League. Of course the street car securities are very widely distributed. They are in the banks as securities for loans, and a systematic effort was made to have resignations from the Trades League pour in upon us. They came in in very large numbers. I need not say to you, that we had to limit our activities a little, but the mischief so far as we were concerned was done. The committee's report had been published, it was not convincing apparently to the council because the contract was passed by a large majority.

I only mention this as one of the difficulties that trade organizations are going to have when they enter into civic work. I don't of course present it as an argument why they should not. I think it is a pretty convincing argument why they should. The fact that the financial interests in Philadelphia that were connected with the street-car committee were not willing to have the light thrown in upon the contract is pretty good evidence why business organizations should take up this sort of work more frequently than they do. [Applause.]

**Chicago's
Street Car
Experience** DR. GRAHAM TAYLOR, Chicago: We had a somewhat different experience in Chicago. The street car franchise situation was taken up by a semi-political organization of non-partisan individuals composed of business and professional men, namely the Municipal Voters League. The object of that league was to secure honest and capable men for the city council of Chicago. About twelve or thirteen years ago it set out on a campaign of publicity. An agent of the league was stationed in the city council at every session to check up every vote of every alderman. Every candidate for the alderman's position was investigated; his career was thoroughly investigated in regard to his business reputation, his political action if he had any, and his personal character and capacity. Of course when we come to the test, such tests as were afforded by absolutely dishonest and disreputable ordinances, the whole town was with us. For instance, when we would report that a man had voted for the Ogden Gas ordinance, in every one of the wards where there was anything like an intelligent and conscientious vote, that man was defeated.

But when it came to the question of refusing our endorsement to a man who favored a thirty or a fifty year franchise for a street railway company, then we began to find that the constituency of the league divided. Nevertheless that matter of the granting of the franchise for not more than

twenty years was such an absolute, such a fundamental principle for the progress of Chicago that we made it a test for a man's capacity to serve the city in the city legislature. There was a criticism that the league had departed from its primal principle to require only honesty and capacity, but we fought it out to the finish and the rights of the city of Chicago were finally secured in a franchise which will be the precedent and has already become the precedent and will be for all time to come, that no franchise shall be given for more than twenty years. I believe that the whole town now believes that the Municipal Voters League was right and that its critics were wrong. Of course if we had been a purely trade organization we might have had the experience of this Philadelphia organization, but there was a compact body of only a dozen or fifteen men backed by those who simply chose either to contribute to the funds of the league or to follow the recommendations of the league in the campaign for the aldermanic election, and who were to a far greater degree more independent than a mere trades organization could be, and yet without the backing of the business sentiment of the city of course we should have been very largely powerless.

We have had somewhat similar questions as to whether we should demand that every candidate for the city council promise to support the policy of a non-partisan constituency for the council committees, and we introduced that into our platform and unflinchingly insisted that the council shall never any more be organized on a wholly partisan basis. The business efficiency of the city has enormously increased since we have forced that issue and required of the majority of the aldermen a promise to constitute the committees by conference between members of both parties of men who are most efficient in the business served by that committee.

Again, the partisan criticism of the league was sharp, again we were accused of departing from our primal principle of capacity and honesty. But again the results have shown the wisdom of that fundamental principle, so I do not think that there needs to be too great caution in the unflinching support of a fundamentally good thing, and even when you do lose in some quarters you will gain in others and at any rate you might better run the risk. The result of that kind of play has been most encouraging. The story has so often been told that I don't think any allusion to the Municipal Voters League should be made without giving the fact over again, that whereas twelve or thirteen years ago of sixty-eight men in the city council not ten were suspected of being honest, last April we had seventy men in the city council not ten of whom were suspected of being dishonest. [Applause.]

MR. A. JULIUS FREIBERG: Dr. Taylor has just made a suggestion which in connection with Mr. Paine's remarks is most interesting. He

says—I don't know whether he questions adversely or not, but at least he raises the point as to whether or not it is advisable for business organizations, chambers of commerce or civic organizations, to interfere or petition their municipal councils only in cases of supreme importance, cardinal questions concerning the city's welfare, or whether they may have a larger field and should consider themselves as right in petitioning the council on pretty much any question at all that is for the city's welfare. Now, of course, if you are working towards the situation in which you expect to bring about the enactment of the referendum or the initiative in city matters, then it seems to me it is very well not to have very much concern about the individuality of the council, because your end and purpose is finally to bring about its overthrow as legislative machinery. But if you are not disposed to reach out after the referendum or the recall of the initiative with reference to city matters, then it does seem to me it is quite questionable in the light of certain experiences we have had in Cincinnati for any civic organization to do more than insist that the members of the council shall be honest in the first place and in the second that they shall conform to the wishes of the people from time to time on matters of cardinal importance.

If you continually bestir yourselves and bother—to use a common term—the council of the city, some of the members of which perhaps have a desire to be honest and do the right thing, you make a laughing stock of yourselves. Now I believe that I can see something of that sort of thing happening today in Cincinnati. We have a club called the Business Men's Club which is a club that exists apart from the chamber of commerce, which is a body composed of the better class of business men in the city. The Business Men's Club was to some extent organized for the purpose of interesting itself in local civic affairs. It is a very large club indeed, and has innumerable committees which are supposed to concern themselves with the various departments of city life. Now this Business Men's Club appeals to the council and gets itself in the newspapers on about every possible conceivable subject. Nine-tenths of their appeals—perhaps a larger percentage than that—are well taken and certainly all of their appeals are sincere. At the same time they have been bedeviling the council, which is all powerful there, to such a large extent that it looks as though the council is beginning to make a little bit fun of the organization.

For one of the sub-bosses there when appealed to by the business organization in reference to the improvement of a certain viaduct is said to have made the remark "let them walk," and "let them walk" is quite a by-word now in Cincinnati. It looks as though the too frequent appeals on the part of this organization are beginning to diminish its influence with councils. Of course if that body were a truly patriotic institution serving in good faith the people's interests no amount of appeals by the Business Men's Club in good faith would be too much, but that unfortunately is not the case. There is another danger. A great many of the members

of this club are rather inexpert on some of the things that they profess to instruct the council about. They don't take sufficient time, they don't enter into the fundamental principles of some of the things that they propose nothing like as earnestly or as thoroughly for instance as the National Municipal League might, and therefore some of their conclusions, which get to be very vehement, are sometimes extremely superficial and are often easily punctured by the bosses of the council.

While I am on my feet I want to ask Mr. Paine a question in connection with the referendum. One of the greatest criticisms on our present system of legislative control—control on the part of the legislature of all the cities—is the fact that owing to the fact that most of the towns of the

State and City state or the country are not acquainted with city
Referenda affairs we are tied up in our cities from having sufficient
 initiative in our own affairs, and of course in most states

it is impossible to change that all of a sudden, on account of constitutional limitations. But, if there is to be any change made in the fundamental laws so far as to allow the people themselves to govern, why don't writers on this subject attempt to make some provision whereby the initiative is limited in city matters to the voters of the city and in state matters to citizens of the state if it is possible to make a dividing line between the two?

MR. PAINE: *Mr. Chairman:* I am not quite sure I comprehend the question. The initiative in the state matter is limited to voters of the state and in the city to the voters of the city.

MR. FREIBERG: There was a bill introduced at the last legislature containing a provision for a referendum in all matters that the legislature today has the right to pass a law for. Now inasmuch as most students of representative government recognize that there might very well be a dividing line and more home rule accredited to the city than there is at present, even without reference to the referendum, why therefore when a new system is devised, is there not some constitutional provision arranged by which the people of the whole state are limited in their referendum vote and are prevented from having to do with concerns in the city?

MR. PAINE: It is not a question of the transition period. The legislature of Ohio is possibly one of the worst examples of interference on the part of the state with the municipal affairs of the city. The correct theory of course should be that the state should not interfere with the affairs of the city, but that these affairs should be controlled by the city. That does not require a fundamental change. The legislature itself can grant it if it will. A good many of the charters of Texas gave the citizens all the powers for the general local good which are not expressly reserved by some legislative act or by the constitution, gave them therefore general power, and they keep their hands off.

If the state passes a state law the referendum of course comes from the voters of the state. It need not be limited to the voters of any section, either of cities or of country districts. If it is a local law passed by the state it is possible that the citizens of the rest of the state would not be much interested in that law and the referendum if it came, would come from the voters of the section, affected by that law, but it is very difficult to put in the constitution provisions which are adopted only for a transition period. I think your objection is not sound in the general sense where the initiative and referendum apply. Where the legislature has no power over city affairs, where the cities can themselves now by constitutional amendment set up their own charter, there you have the people supreme in their local affairs, and a law passed by the legislature of Oregon is subject to the referendum on the petition of voters of the whole state. Those voters may be either largely localized in certain sections or spread equally over the whole state. But it is a much better provision for the working of the referendum that they should be allowed to come from any section of the state without having them equally spread throughout all the counties or as they sometimes do, through a certain proportion of the United States representative districts. I think that is the Missouri system which was thrown down some time ago. It is also partly established in the constitution which was voted on November 3. I wonder if I have answered your question.

MR. FREIBERG: I think you have.

THE CHAIRMAN: The chair would state that an examination made on behalf of the League into the various constitutions of the different states to discover what reason there was which by provision of the constitution prevented legislatures from granting authority to cities, found an astonishing lack of constitutional provision. Iowa gave Des Moines its charter without any amendments of the state constitution. Wisconsin is under practically one constitutional restriction, that it cannot make special legislation applying to one city without having it apply to all, and it cannot very well give a home rule charter to the whole lot. There is a constitutional question. But I see here a gentleman we are going to have the pleasure of hearing from tonight, but he is a gentleman we don't want to wait to hear from when we can hear from him at all. I think Judge B. B. Lindsey of Denver can give us points on this subject. [Applause.]

JUDGE LINDSEY: I am sure I appreciate the very great honor and privilege of being here this afternoon and participating for a few moments in this discussion. It has a peculiarly personal interest in my own case, and I trust I will not be offensive in discussing it for that reason. Indirectly the question of submitting public franchises to the people is responsible for the recent fight we had in Denver independently against the two political machines, but I am not going to discuss that now. I do however

want to say a word or two with reference to this very important question discussed in the able paper of Mr. Paine. It has been of peculiar significance and interest to our own people in Denver, and

**Denver's
Referendum
and Initiative**

at the very outset I want to say a word not so much by way of apology or defense of our own people, our city and our state, as by way of explanation. The statement that I am going to make to you of actual facts from actual experience in submitting ordinances worth anywhere according to estimate from forty to one hundred and fifty million dollars, within the last two years, or within the last three years anyway, under an initiative ordinance, are facts to my mind that would happen to any city in this country under similar conditions. Therefore I am speaking now, not with reference so much to the people of Denver and the people of Colorado only as I am with reference to the people of Pittsburgh, to the people of Chicago, Detroit, New Orleans, where under the same conditions I believe similar results would be produced. It is rather an evil condition from which all the people suffer in the cities of this country. And these conditions we must know about, and in my judgment guard against, if we are going to have the results that those who favor the initiative and referendum in franchise questions anticipate and hope for.

Our constitution was amended in 1902 to permit cities to have what was called home rule. In the past our cities had been governed in a measure by the government of the state, under a system controlling the fire and police force, and the board of public works, which dealt with certain important business affairs of the city. In the constitutional amendment, the right of the initiative and referendum was given the city upon public franchises. That constitutional provision was fought bitterly by the public service corporations, consisting of telephone, gas and electric companies, the Denver Union Water Company and the City Railway Company, known as the Tramway System, which combined together for the purpose first of fighting this constitutional provision in the legislature and then at the polls.

Under this provision we have the right to make our own charter. The first charter under that provision of the constitution was considered according to the state and municipal experts one of the best charters ever proposed or submitted to a people. That charter was defeated by the most treasonable election frauds which were financed by these public service corporations, and through the shameful use not of one but of both political organizations. The next charter, not nearly so good as the first

**A Taxpayers'
Referendum**

was finally passed without those provisions for the protection of the people in contests with public service corporations that were contained in the first charter. Under this charter, before a public service corporation could obtain a franchise it must submit its proposition to the people, or rather I should say to be exact, to that part of the people who constituted

the tax paying electors, which, from our experience, I think was a mistake. If we had it to do over again I think that the advocates of that measure would say let it be submitted to the vote of the people rather than the vote of the tax paying electors. At the time I favored the position that it should be submitted to the tax paying electors. But since that I have altered my views materially on that matter.

Now it became my duty as judge of the court over which I presided (which was only incidentally the juvenile court, in which we have done some work that has attracted the attention and approval, all too generous, of our friends) to decide all election cases. By every charter that was proposed under the constitution it was declared to be the only forum in which election matters of every kind and description shall be determined. That necessarily gets the judge of that court more or less involved in politics. It makes the court one of the prizes of politicians, and it is very difficult to keep out of politics when you are in that work. I mean in politics of course in the higher and better sense.

The initiative consisted in certain propositions made by the city railroad company and the Denver Gas and Electric Company to the people. "We will furnish you gas and light for so much. We will furnish you street lamps for so much." We will pay you so much for the use of your streets." That was a business proposition. There was not any committee from the chamber of commerce or any board of business men, as in my judgment there ought to have been, as we have come to believe since, to pass upon the business character of these propositions. There was in my judgment absolutely nothing of a just business character about the scheme. The proposition was made through the city council and then submitted to the people. It is true we had meetings at the Chamber of Commerce and through one or two little civic organizations to discuss these propositions, but there was nothing to interfere with those corporations submitting any kind of a proposal however absurd it might be and demanding the vote on that proposition—of the tax paying electors. Of course we had the experience which every city in this country has had, which I say justifies me in speaking of this condition that I shall come to presently, that we are ashamed of as not particularly indigenous to our own people, but rather to all people who face the same condition, and it is interesting it seems to me to people who want good city government. That is, we had your experiences in the past. There were charges brewing in the city council every time a franchise question came up; there were scare heads in papers that this alderman and that were being bought, and it simply showed our experiences must be the same because human nature is the same. We hoped to get rid of that condition, of the scandals that had attended these proceedings at the city hall before the city council, and we thought that this was the panacea for it all.

It turned out that instead of destroying the corruption that we had suffered from and that our council had been charged with, corruption retail, as it was in the old days, became corruption wholesale. Instead

of buying up the council they bought' up both political machines. Instead of buying up fifteen alderman, as it was said they had in the past, they bought up two thousand political workers. All of these things have been proved since these franchises were submitted to the vote of the tax paying electors. There followed this proposal and the election thereof a great amount of litigation. However, notwithstanding all of the efforts of the public service corporation to pull through those franchises they only got the street car franchise through by ninety-nine majority and I believe the gas and electric company franchise by a little less than five hundred out of a total vote of tax paying electors of sixteen thousand. The charge in court was that the gas and electric company and the tramway company had put up a tremendous sum of money through a conspiracy entered into on the part of these public service corporations and the chairmen and representatives of the two political organizations bearing the names of the two old political parties, but representing either about as much as they represented a Hottentot.

The case came on for trial. I saw a young man who worked for the gas company go on the witness stand and when asked: "Did you vote at the franchise election," reply "I refuse to testify for I might incriminate myself." I think one of the saddest things I ever saw in court was young man after young man getting eighty or a hundred dollars a month with a wife and baby to support go on the stand in these cases and thus incriminate himself before the public. When it came to the president of one of the companies, the only one the process servers got, because the balance of them had skipped town, he refused to be sworn. It became my duty under the law where a witness rebels and denies the jurisdiction of the court, until the court is reversed by a higher power, to commit the witness to jail. In a similar case in another court the president of the utility corporation and the chairman of one of the political parties and one or two other election officials through their power in politics smoked cigars in the Brown Palace Hotel and walked around eating good dinners until they could get a writ from the supreme court to release them. But we did not think they ought to have special privileges, and so they were chucked into jail and stayed there three or four days until the high court could on a very slim technicality get at the record to let them out. Of course when you consider that these men controlled the political organizations it makes it very difficult to expect any quarter from the gang that runs things.

The pitiful part of all this proceeding is the debauchery of human character. A man or woman will go on the witness stand and confess they got money to work for the franchise. Here was the process: A ward worker is told he could have fifty dollars to work for the franchise. The Denver Gas and Electric Company called in not only the man who was in the council, but the man who was running for it, and paid them from a hundred to one thousand dollars to work for these

Corruption Wholesale

Debauchery of Human Character

franchises regardless of the question as to whether it was a square deal for the people or not, regardless of the question whether or not their children were being robbed in this generation or the next. The result was that many of the candidates, officers and workers in both political organizations were the subjects of insidious bribery.

I know that one good woman went into the house of a neighbor of mine and said "Mrs. Jones, won't you vote for this franchise? Mr. So-and-So," mentioning the president of the company, "says if we get a hundred and fifty majority in this precinct I will get a job in the clerk's office." In other words she was willing to sell her rights of citizenship for a mess of pottage. And so it went up and down the line, and in all of my experience of ten years in the midst of corrupt politics I never witnessed anything so detestable, so awful, so soul debasing as the men and women who were thus debauched by the public service corporations in this election, and I found many of them did not stop to think about it. Controlling the public officials, they issued two days before election fake tax receipts; they went to a real estate agent and bought a lot of lots in a poor part of the country, thousands of them, and paid the taxes on these lots, two cents, four cents—ten cents was the highest, and they called in their employees the day before election, these poor clerks, and said "Here is a tax receipt. You are a tax payer. You vote on this franchise and you vote our way." Under a decision of our supreme court that is absolutely fraudulent. But consider the position the people are in in a great struggle like that when both parties are bought up so that we cannot have a square deal.

Now the remedy. We are going to find that a great many other laws are going to be necessary. I know of certain men whom the gas com-

The Remedy pany paid one hundred to fifteen hundred dollars who are either members of the council or expected to be or had influence in their ward and there wasn't a law on the statute books, one court told us, that made this payment a crime. If these men had been members of the council and this ordinance had been before fifteen people [instead of fifteen thousand they would have been guilty of bribery on both sides and we could send them to the penitentiary. But there was not any penalty whatever, and the result was this corporation could go unscathed. I do hope these communities having ordinances of the initiative and referendum on public franchises, will carefully consider these questions before they face the very serious question of disposing of millions of dollars worth of property, and I would certainly suggest stringent laws making it bribery and punishable by severe penalties for any public corporation to pour these immense sums into the coffers of political organizations to pay campaign expenses or to give money in any way, shape or manner to any worker. We cannot get a square deal in any other way.

Those are simply a few of the remedies suggested. But there are one or two others. I don't have them all in mind just now. Sometime I

hope to suggest them when they occur to me during these tremendously important trials concerning these questions. One is to get your municipal officials out of the corrupt politics we have now. That is why I favor this commission plan that has been discussed here. And just so far as we can eliminate partisanship it will help.

In some of these cases the district attorney was in duty bound to bring *quo warranto* proceedings to test the justice and the legality of these elections and the method by which those franchises were acquired. The district attorney owed his position to the power of the boss who was president of the Denver Tramway Company. That man put up the money to elect the district attorney, and of course when it came to the struggle between the people on the one hand and special privileges on the other he knew where his bread was buttered and of course he stood with the special privilege grafters and betrayed the people. And that was the case with nearly every public official who was involved in that contest. Why? Because of the corruption of politics by public service corporations, by furnishing all the campaign funds, as they had always done for certain political organizations in the city, the officials served special privilege grafters instead of the people. They ought to have a square deal and we must recognize the splendid good that comes to any community from work done by the business men back of these great enterprises, but here were unconscionable business men who had so little respect for themselves or their citizenship that they would permit the expenditure of thousands of dollars in corrupting the instruments of democracy so that the whole thing became a farce. The supreme court held finally I had not any jurisdiction and when we were just getting into the matter of the frauds the whole investigation was stopped. The state's attorney made a farce of the whole thing and the result is that while all Denver knows that one hundred to one hundred and fifty million dollars worth of property was obtained by corruption and iniquity there is practically no way to recover it back. That is our experience on the initiative and the referendum, one hundred million dollars stolen from the people. [Applause.]

THE CHAIRMAN: We have plenty of time for the discussion.

MR. PAINE: Could not the council have been bought just as easily as the people who were falsely given the tax paying qualification? Is it not because the initiative and referendum have not been established yet with proper safeguard?

JUDGE LINDSEY: Exactly. I am a friend of the initiative and referendum and I don't mean my remarks to be against them but rather as pointing out certain safeguards that I sought to suggest.

THE CHAIRMAN: I think we should all be very glad to hear from Mr. A. Leo Weil of the Pittsburgh bar on either of these questions or both if he will see fit to speak to us.

Speculative Tests of the Referendum **Mr. WEIL:** The trials that we have made of the initiative and referendum in our communities have been rather of a speculative character and hardly a test. It seems to me that much of the criticism that has been made by municipal organizations and the process for curing the evils that have been suggested—and we all concede that there are many evils—perhaps go back a little further than many of us have yet thought or suggested. It occurs to me that they are due in part to not differentiating between the characteristics of the municipal organization as formerly understood and as now. The time was when the municipal organization was looked upon merely as an agency of the state, as a mere police officer, if you please, exercising state and sovereign functions and representative of sovereignty in the individual community, preserving order and taking care of those matters which all of us regard as being state functions. In our modern times, however, and under modern conditions gradually arising and growing up and not becoming full fledged at any one time, came the modern idea of the municipality as a great business coöperative organization performing the business and the duty and having to do with the obligations of the individual citizens resident in a given locality.

In consequence the city was looked upon as something separate and apart from the individuals who composed it, looked upon as a separate and distinct thing. It was therefore the system, you might say, or the practice of those who lived in the city of considering the city a thing that might be plucked without any duty or obligation to his fellow citizens who lived in the adjoining house and to whom he would hesitate to apply any such practice. And those two ideas growing up in this way, this new idea of the city as a coöperative association was lost sight of in the general growth, and our interest in our own personal affairs and in our want of study of these general conditions.

Before, it seems to me, we can get the full benefit of the referendum, and the initiative and the recall; before we can get the benefit of these charter amendments, we need something to be introduced into our municipal communities, and that is a study of the situation and valuation of the civic consciousness of the individual, his duty, his obligation to his fellow citizens separate and apart from the estimation of the city as the representative of the people. If we can get this civic consciousness introduced, if we can get the individual to understand his

Conclusiveness relation to his city and all the people in the city to regard their relation to the city as being a personal partnership, if you please, of all the residents in the city in which each one is personally interested, in which there is the joint property and the joint operation, then we can get this consciousness into the minds of every citizen, then we shall have the initiative and the referendum and the recall when in operation operate most beneficently. On the other hand, those who have given some study to the situation tell us, and it

would seem with much force and effect, that the very best way of introducing this civic consciousness, the best way of teaching us to appreciate this obligation which each individual owes to every other individual in the community in the common property and the common operation of the city is through the initiative and the referendum and the recall, and these other methods by which the attention is directed to these very subjects. It is a big question to submit. It is a question upon which I have no right to express an opinion to so intelligent a gathering. [Applause.]

THE CHAIRMAN: Mr. Weil's address will close the discussion, and now we shall adjourn.

On Tuesday evening, President J. Horace McFarland delivered his annual address before the American Civic Association. There was therefore no meeting of the National Municipal League on that evening.

WEDNESDAY MORNING SESSION.

Wednesday, November 18, 1907, 10 a.m.

The fifth session of the Conference was called to order by President Charles J. Bonaparte of Baltimore.

THE CHAIRMAN: The meeting will please come to order. Mr. Secretary, is there any formal business.

MR. WOODRUFF: All the delegates from out of town are invited to the dinner tomorrow evening, and they are invited as the guests of the Chamber of Commerce. That is the only announcement I have to make.

THE PRESIDENT: *Ladies and Gentlemen:* I understand from the program that the subject of discussion this morning is "Militant Political Work for Better Governed Cities." I presume that that means militant political work to make the cities better governed. On that subject we are to first listen to a paper by Mr. Robert S. Binkerd of the Buffalo Municipal League and hereafter of the New York Citizens' Union. Mr. Binkerd.

MR. BINKERD: *Mr. Chairman, Ladies and Gentlemen:* Grave apologies are due you all for the condition in which this address is presented, and particular apologies are due the gentlemen who have agreed to discuss this subject this morning. I was to have had this ready by October first. This I promised when I was gyrating between Buffalo and New York City, and ought to have known better. But in the past two months municipal research and charter revision work which I had been doing in Buffalo came to a head, capped with the necessity of conducting an investigation before the mayor of Buffalo, in addition to our regular campaign

work. I am sufficiently thankful just to be alive and here. An outline of what I want to say has been in the hands of my co-conspirators only a day or so, and to heighten the iniquity, I have added to it without their knowledge, during the past day or two.

I implore their tender mercies and yours. For I am in the predicament of the butcher boy of Oxford, England, who, at one of the mediæval pageants, was dressed up as a Roman senator. A waggish undergraduate, pulling at his toga, enquired, "I say, old fellow, are you Ap-pi-us Claudius?" To which the poor butcher boy responded, "No, I'm un-appy as L!"

MILITANT POLITICAL WORK FOR BETTER CITY GOVERNMENT.

At the Atlantic City Conference of the National Municipal League one of most important questions which confronts good government workers was raised, two opposing theories stated, and then, just as one settled down in the expectation of a good debate—the discussion took a new turn, and expectations were dashed to the ground.

This took place as a round table conference. Mr. Pendleton of Cincinnati had just stated that in his judgment, plans of campaign which he designated as "municipal voters league methods" were best. Mr. John J. Murphy, of the Citizens Union of New York City, on the contrary, said that the New York idea was independent nominations wherever possible, and more or less favored the separate municipal party idea. These two viewpoints represent attitudes toward a problem which every militant, political, good government organization must decide.

By militant political work I mean that which has to do with actively participating in making or influencing nominations, and in aiding the election or defeat of candidates; the work done by such organizations, in short, as the Chicago Municipal Voters League, the City Party of Philadelphia, or the New York Citizens Union. These I differentiate from militant non-political organization, such as the Bureau of Municipal Research, the various city clubs, or the Taxpayers Association of Cincinnati.

What I have to say does not deal with work by this second class of very necessary and complementary organizations. Their function is to get facts and administrative data, and to evolve plans and methods whereby municipal government may be made more efficient, regardless of who is responsible for the bad conditions which call for remedy.

This, however, is but half the work to be done, and it is to this other, or as I call it, to this militant half, that I call your attention.

Militant political organizations in the United States seem all, except the Cambridge Association, to have chosen between the policy advocated by Mr. Pendleton or that advocated by Mr. Murphy. The municipal voters

leagues of Detroit, Buffalo, Milwaukee, Minneapolis and St. Paul have followed the example of Chicago. The city parties of Philadelphia and Cincinnati have followed the separate municipal party example, first set by the Citizens Union of New York City. Organizations of each kind have been in existence some ten years at least; and it would seem that, in the light of their comparative experiences, we ought now to be able to judge of their relative efficiency.

I believe that we are in a position so to judge, and the burden of my paper is, that "municipal voters league methods" have been proved more efficient under existing conditions.

Municipal

Voters League Methods

It is not by chance that the cities of Chicago, Milwaukee, Minneapolis, Buffalo and others have been steadily, if slowly, improving the character of their governments, especially on the legislative and directorial side. In these cities militant good government work has been conducted by municipal voters league methods. They perhaps have never been, nor now are, free and well-governed, but there has been an increasing number of independent citizens raised, informed and guided. Bad public service has become more or less dangerous at any time. Good public service has become sure of more recognition, the character of men running for public office has been gradually bettered; to utterly relapse into the condition of a dozen years ago has become well-nigh impossible.

It is not by chance, on the other hand, that the cities of New York, Philadelphia and Cincinnati have thrown off gangs of plunderers in recent years, only to see them ride back into power at the next election. In these cities militant good government work has been conducted by separate municipal parties. These have secured some brilliant and refreshing municipal revolutions, gladdening to the hearts of all good men; but their work has not been lasting, nor progressive, nor cumulative.

Separate Municipal Parties

As with "Postum," so with this—"there's a reason." As a matter of fact, there are several reasons, but the first one is this: the existing election and ballot laws of practically every state make impossible the continued existence of a successful separate municipal party alongside the local organizations of the national parties. This is particularly true where local elections are held at the same time that county, judicial, or state officers are elected. Even where this is not true, the fact that the citizen and political workers have to turn their backs on the same organization with which they worked at the last state or national election, doubles or trebles the difficulty of the separate municipal party. Such a party—without going into any tiresome detail—cannot at present succeed by anything short of a political revolution, and we cannot expect the voters of any city "to revolute" at every city election.

But the same man who may refuse to leave utterly his national and state party, and who will not go out and organize his election district for

a separate city party, may often be induced to vote against one or more of his party's candidates, whose disqualification for public office can be clearly shown. If the city's board of directors is elected by wards, he may very often come to be entirely non-partisan in his vote for alderman, and while still remaining in good party standing. Municipal voters league methods therefore represent the line of least resistance.

Again, to reasonably expect possible success single-handed, a separate municipal party must assume that at least one-third of the electorate will divorce itself of all national party prejudice or interest. This may be the condition in Toledo, Ohio, and possibly in a few other smaller cities, but is it true in New York, Philadelphia, Pittsburgh, Chicago, Buffalo, Cincinnati, or St. Louis? Assuredly not. Therefore, standing alone, a separate municipal party has no chance of electing its candidates, and thanks to this relegation of good votes into the limbo of the non-effective, the national party organizations may often afford to offer even a lower type of candidate with impunity.

But suppose that the separate municipal party hopes to succeed, as it generally does, by a coalition with the weaker local national party organization, as the city parties of Cincinnati and Philadelphia have coalesced with the Democrats and as the Citizens Union has coalesced with the Re-

Political Coalitions

publicans in New York City. The reformers are compelled, usually, to allow the national party organization the greater number of candidates; and these are determined upon by that party organization for no different considerations than to control the nominations of the other national party organization. Then the reformers are in honor bound to support at least some men who have no better claim to public office than the opposing candidates. And, indeed, it is by no means sure that one or two of the candidates not the on coalition ticket should, in the interests of good government, be elected over their opponents on the reform ticket.

Under existing conditions, except at rare intervals, the militant good government work to be done is not the nomination of independent candidates, but the truthful and fearless statement of the character and record of proposed or final candidates for public office, and independent support of the best, regardless of party. For the gathering and publication of these facts, no party organization is necessary. To the weight of these facts no party organization can add. For the nomination of independent candidates, when necessary, a simple organization organized for that special purpose, and dissolving when that purpose is accomplished, is by all means the most desirable.

It is not surprising, however, that it has taken hard practical experience to demonstrate this point. We have been so used to seeing political influence housed in representative, or pseudo-representative, organizations, that it is not surprising that we reformers at first thought that no other method was possible. In this connection, I wish to call your attention to two concrete cases where militant good government organi-

zations made this initial error, saw it in time, and corrected it, and have grown into permanent institutions.

The first is the Minneapolis Voters League. I quote from a letter by its Secretary, written December 14, 1906.

"In re ward and district organizations: That method was tried here in Minneapolis eight years ago and worked badly. Based on the ex-

**The Minne-
apolis and
Buffalo
Experiences** perience of that time, we are sure that we acted wisely in eliminating those organizations from our present scheme. The facts of our work show unmistakably that such work can be done best by a single central organization. The one main, essential thing is to get a strong executive committee of limited numbers who will work fearlessly, aggressively and without prejudice."

The second case came under my own notice in Buffalo, in 1905. When I arrived there in July, the Buffalo Municipal League was organized like a party, with ward organizations, committeemen, etc. A month or two later I learned that in three wards members of the Municipal League, with the endorsement of their ward committees, were circulating petitions for independent nominations, claiming to be the Municipal League candidates for aldermen in their respective wards. Prompt investigation developed the fact that in at least two out of the three cases, the pseudo-municipal league candidates were inferior to one of the regular party candidates. We immediately disowned these men, and amended our constitution and practice in conformance with the example of the Municipal Voters' League of Chicago, with justifiable results.

In the last analysis, the militant good government problem or the theory on which it should be attacked is simple. Our institutions are supposed to rest upon responsible, representative government. We cannot have responsible government without a knowledge, by the electors, of the public acts for which their representatives are responsible. For obvious reasons the parties seeking to reflect public officials, or to elect untried men, cannot be trusted to give this accurate information. For many of the same reasons, the press cannot be expected to give the unbiased facts, because more or less controlled by the same considerations which control the parties. A second thing also interferes, and that is the cost of obtaining such information, and the useless and wasteful duplication which would ensue if each newspaper attempted the task for itself alone.

Therefore there is need, in every community, for a non-partisan organization which shall, primary after primary and election after election, present to the press and voters the facts concerning office-holders and candidates. To fill this need is the permanent function of any militant political good government organization. To perform this permanent function nothing more is necessary than the direction of the work by a few citizens of unquestioned standing and integrity, through agents of skill, tact, and honesty.

THE PRESIDENT: *Ladies and Gentlemen:* The program informs me that a number of gentlemen have kindly consented to set a good example to the League generally by discussing, favorably or otherwise, the paper submitted by Mr. Binkerd. I will first ask Mr. E. W. Bemis of Cleveland to favor us with a discussion of the paper from the standpoint of that locality. [Applause.]

DR. BEMIS: *Mr. President, Ladies and Gentlemen:* I fancy we shall agree, most of us, with the view that these associations, municipal voters league or whatever we may call them, should not as a general rule run independent tickets. The city is not yet divorced from the state. It depends upon state legislation so largely under our American theory of law for its charter, for its general work, that most of our cities are obliged to be in touch with the state parties in order to be left alone. Therefore we have to affiliate with the state parties. It is possible that

State Party Affiliation with such home rule charters as they possess now in California and Missouri and some other western states that is not so necessary, and we may have more growth of independent municipal parties.

I discovered that in England and Scotland nearly all the cities outside of London were partisan in their formation even though they attempted to run their municipal business on non-party lines. The municipal associations have for their chief function the education of the voters how to vote and how to secure the nomination of men standing for certain principles of good government. Certainly these associations if they have done nothing else have promoted independent voting. They have taught the people to some degree the wisdom, and the art of scratching their ballots, and that in itself has been a great advantage. But I think most of these associations have not gone far enough. They have frequently stopped with the attempt to secure men of good character in the city councils.

That is certainly important: But I believe this further step should be taken in most cities, and that is some conclusion should be reached by these organizations on some reform measures that are desirable, something in the nature of a platform subject to change from year to year, embodying the immediate needs of the city,

The Need of a Platform for frequently you will find that the city does not so much need a large number of independent men in the council, men of high character, as it does a concentration of the bulk of the community on a mayor and one or two leaders of public policy along certain lines and a council committed to those ideas, honest and loyal to them, but—it is not necessary to get all men of the caliber of our strongest business men in the council, desirable as that may be. It is very desirable to have some leader in the mayor's chair with policies that the people wish and with a following in the council committed to those ideas, and I believe more and more our associations will recognize that and will seek out the principles that are neces-

sary from time to time for the next advanced step in their immediate city.

And we are coming to realize, as Professor Zueblin remarked in a lecture in Cleveland last week, that we are passing beyond the eighteenth century conception that the object of government is the greatest good of the greatest number, and we are coming to adopt the twentieth century

The Greatest Good of All

doctrine that the purpose of government is the greatest good of all. For, as he said, the greatest good of the greatest number is still consistent with the slum and with child labor, and with many of the other evils that affect a minority of the population. At least it is often so interpreted. In determining what our associations shall undertake, I believe we need broad sympathy. In the past, more than in the present, reform organizations started out with the one theory of attacking vice by direct repression. Now they are coming to see that the causes of poverty or of distress, the causes of ill health and of bad government must be attacked, and not merely a repressive policy which may antagonize certain of our immigrant population, which are not vicious at heart, but which have been brought up with somewhat different ideas perhaps with regard to the saloons and yet would be with us in larger reform work.

In many cities we are ready, I think, for the home rule platform so successfully in operation in some of our western states, notably in California, under which cities will be given a greater power in the formation of their own charters. In fact they are ready for most of the propositions so admirably worked out many years ago by this League in its famous publication, the Municipal Program, so far in advance of the time in which it appeared that even yet we have not in most cities got within sight of

The Municipal Program

that program. I have often wondered that more attention has not been paid to it. It seems to me the most notable work that this League has performed. The concentration of power in administration at Wash-

ington in the president who appoints his cabinet and practically controls the administrative side of the government has been attended with such favorable results that we are going to see a great extension of that principle not only in our cities, but in our counties and in our states and we are going to cease to elect the many that are now elected and whose duties are not so distinct from that of the mayor, the head of the county or the governor, but that they could well be appointed by such officers.

I believe that such a ballot as most of us had to vote recently with thirty to fifty officers to be chosen on it aside from the president is ridiculous. In Ohio we had to select over fifty officials—and six different tickets too, thus there were five or six hundred names on the ballots, over four hundred aside from the presidential electors—and we cannot have good government to a full degree until we recognize that such officers as city clerks, attorneys, coroners, sheriffs, etc., should be appointed by the mayor just as much as the president of the United States appoints his cabinet.

It is only in that way that you will get great men, men of pronounced reform leanings, and at the same time with high standing in the community, to undertake the work. Naturally we oppose the spoils system, but we should study the English method which is based upon the development of such a spirit in the community as will invest the head of a department with large powers and hold him responsible for the results. That is the method under which the English and Scotch have so well succeeded in what they have undertaken. We may not be ready for that yet. We probably shall do well to adhere to most of the methods of our present civil service, but I think that the broad study that these municipal associations and leagues will give to the city work will not ignore that or any other method of getting good government, not at all inconsistent with the American method, but which after all is quite distinct in principle and which follows the practice of a large business house or railroad, and seeks efficiency primarily by lodging large power in the head of a department, as I said, and holding him responsible for results.

As our cities undertake more of the business phases of work, more and more will they be compelled to think of efficiency in their work. We are really not enlarging the functions of government in theory so much, but we are seeking new applications of old theories. We have always found it necessary to protect from burglary, but as Dr. Albert Shaw remarked last night at the Chamber of Commerce dinner at Cleveland, we now realize

Extension of Sanitary Functions	that a man can protect himself from burglary much better than he can from diphtheria or typhoid, and therefore there is a greater call today really for the extension of the sanitary functions of government than there is for the development of the police force.
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Yet that is not a new function of government, it is really an extension of an old one. We shall naturally study the question of public franchises, and whether we think our cities are ready for municipal management or not we shall I believe hold to a very rigid control and the right through direct legislation to bring matters up for review as was so strongly urged by your own Municipal Program years ago. We shall naturally study what is being done in our cities in those directions.

I remember how much distressed I was at one of the meetings of this League some years ago to find an influential member from this city, unacquainted with the work of your Allegheny municipal electric light plant which has been the focus of a great deal of discussion as bearing on the question of municipal lighting, where general political conditions are bad, operating expense, plus the entire cost of the plant, if distributed over the lights with allowance made for the lights furnished to public buildings, has been less by \$470,000 than the cost in Pittsburgh of the same kind and number of lights rented from a private company since Allegheny began municipal ownership in 1890 from the same time (about 1890 or thereabouts) at which the Allegheny plant was built. But whether that be true or not, recent careful investigation of its entire

history has shown astonishing and significant success despite its handicaps. This is such a subject of investigation as our municipal associations should take up. They should study the water department. They should study the efficiency of all the departments in a healthy way. Not with the idea of throwing stones at those departments or their chiefs but with the idea of coöperating with them. We will naturally take up the question of direct legislation, which is coming, but which needs a great deal of education, so that the voter may understand the enormous responsibilities which they are assuming.

Direct legislation, direct nomination is in the air, and whether we wish it or not we shall find it with us. I believe in it myself, but I believe it one of the great functions of our municipal associations to educate the movement. We shall find that ignorance, lack of public support, are the great foes we have to contend with. We shall find in too many cases the pocket nerve of some of our most prominent and best citizens is against us, and that is after all in many respects the hardest problem we have to deal with. In approaching all these questions through our associations and leagues there are one or two tendencies in our midst which we have to fight, and with those I will close this discussion so far as I am concerned.

We shall have to cultivate the democratic spirit and the spirit of popular sympathy with people and frankness in dealing with them. Not the idea that we know what the people should want and will crowd it down their throats whether they want it or not; not hardly being willing to touch them with a ten foot pole. We must cultivate a democratic spirit in our work.

Reform movements, I think, suffer more from the extravagance of their friends than from the attacks of their enemies. We exaggerate much too frequently the badness of our opponents and what we can offer, and then they are able to pick us to pieces and say that we did not carry out quite all we said we would, or things were not quite so bad in some respects as we said they were, and that we had been a little unjust in some things. Then we lose the grip upon the public which we ought not to lose, which we did not deserve to lose, but which is due to our not appreciating human nature. The attacks of our enemies we can meet. Our own extravagances are more difficult to meet with and I think it behooves us to be quite sane in all our statements. I don't mean that we should not encourage hope in ourselves. There is profound truth in the remarks of the sacred writer that "We are saved by hope," but that is different from exaggeration of statement. And finally, I think we need in all our associations to bear in mind that perhaps there is a vice in the American temperament rarely touched upon I think in the pulpit, but which I think is perhaps a great and most fundamental weakness in our civic work, and that is lack of courage.

The great tendency is to fear some bad results in our business or professional standing or in what our neighbors will think about us if we go into reform work, and we lose heart, we lose courage. We need courage. We need that above, I think, almost anything else. We know in most cases better than we act. And with that thought I will bring this already too lengthy series of remarks to a close. I thank you for your attention. [Applause.]

THE PRESIDENT: *Ladies and Gentlemen:* We have listened with great interest and pleasure to what Dr. Bemis had to say. Before calling upon the next gentleman whose name I find on the program I will mention that the program also says that remarks are limited to ten minutes. That portion of it will be construed by the chairman with a strong leaning toward cruelty in regard to the audience. [Laughter.] Nevertheless it will have to be in a measure observed. We shall now hear from Mr. John C. Winston of Philadelphia, chairman of the Committee of Seventy of Philadelphia.

MR. WINSTON: A condition, not a theory, confronted the citizens of Philadelphia in 1905 when they enlisted to secure better government for their city. They carefully considered the plan of the Chicago Voters League and sent for its Secretary, who came to Philadelphia and outlined the Chicago method and the magnificent results secured. But we were powerless to put it into operation because of the peculiar conditions existing in Philadelphia at that time:

**Philadelphia's
Peculiar
Condition**

First: the electorate was made up from padded assessors' lists and we had no means of securing a list of voters sufficiently accurate to make an election under existing political organizations worth the trouble of going to the polls. There were, as was shortly demonstrated and admitted by all parties, not less than 60,000 fraudulent names on the assessors' lists.

The election officers were nearly all of one party or of a minority which was ready to cooperate with the majority to defeat any attempt at reform. We were practically disfranchised. Thus we were forced to the reluctant conclusion that our only remedy was to organize a new party which should reach every one of the eleven hundred election divisions in the city, and thus secure representatives on the election boards and watchers at the polls. We took the name of City Party, as indicating our independence of state and national politics, and invited voters of all political faiths who desired better city government to join in overthrowing the organization which absolutely controlled the elections and the government.

By making a house to house canvass in every election division, we succeeded in striking off about 50,000 fraudulent names from the list of voters as made up by the assessors. This was a revelation, for while

everyone knew that fraud was being committed, no one dared to charge or believe that in many divisions from one-fourth to three-fourths of the names on the assessors' lists were myths, names of dead men, cats and dogs, and, in some cases, made from labels on bottles in the drug store.

To have merely eliminated these fraudulent names from the list of voters would indeed have been only a temporary gain; but public sentiment was so aroused by this startling revelation that it became possible at the extra session of the Legislature to secure a personal registration law, which will forever make such a condition impossible.

Padded Lists

The primary elections at which the nominations, dictated by the "Machine" were made, were even a greater farce than the general elections, so that any attempt to secure either the nomination or election of independent men to office by means of the machinery of existing political organizations was utterly futile.

The success of the City Party in 1905 in overwhelmingly defeating the so-called Republican Organization resulted in calling an extra session of the Legislature to repeal the ripper bill, thus preserving our excellent city charter. But more important even than the repeal of the ripper bill was the passage of the personal registration law and the uniform primary act—not to speak of the excellent civil service act for Philadelphia, and other valuable legislation.

These were not temporary results, and the only way in my judgment they could have been accomplished was by means of creating new party machinery with all the rights of a political party in the conduct of the elections. The old Municipal League and independent citizens, as well as many of the best Republican and Democratic newspapers, had been clamoring for years for a personal registration of voters as the "sine qua non" of honest elections. At every session of the Legislature the matter was urged, but all to no avail. Nothing short of the demonstration of the power of the people, when organized, to defeat the "Machine" would have secured this most invaluable legislation, which can never be wiped out and without which citizens were powerless because disfranchised.

I emphasize these permanent results of the City Party movement because so well informed a man as Mr. Binkerd has referred to the work of this movement as temporary, only to be

The City Party Movement

followed by a relapse into conditions little if any better. Reformers are idealistic and because they promulgate a larger program than they are able to perform, they are usually credited even by their friends with less than they actually accomplish.

In this connection, it should be noted that while, owing to the disaffection and treachery of certain elements who never were a part of the real independent citizens' movement, the City Party narrowly failed to elect its candidate for mayor and thus lost the opportunity to demonstrate its usefulness in control of the city government, nevertheless it did elect a

large number of strong independent members to Councils, such as George Burnham, Jr., whom you all know, and at our recent presidential election, the City Party polled 73,000 votes for its independent candidate for sheriff, after a desultory campaign of only two weeks made without money and with little organization. This, mind you, is four years after the first organization of the party, and three years after its first wave of success.

There was no expectation of electing Mr. Gibboney. Hence, we lacked the strength which hope of success gives. There was also the usual pressure at a Presidential election to vote the straight ticket. The Democrats, who were with us in 1905, had a candidate of their own. Under such circumstances, to have polled over two-thirds as many votes for a minor official as at the time of our greatest real strength, does not argue for lack of *progressive* results, from this independent party movement.

I grant you that conditions existing in Philadelphia today are different from those in 1905, and we are seriously considering whether the time has not come for work along the line of the Chicago Voters' League, which, as I understand, works through existing political organizations. These national organizations have the advantage of being permanent, but our difficulty in Philadelphia is that the minority party is weak and often subservient to the majority party.

In Chicago and other cities where the parties are more evenly balanced or are at least in real opposition to each other, the methods of the Voters' League have a better opportunity. Nevertheless, I am not sure but that under our present primary election law, we could accomplish better results by using our energy to secure good nominations on the Republican and Democratic tickets.

But, gentlemen, let me say in conclusion that the more I think on this subject the more I am convinced that we will never have efficient government in our cities in the United States until national party lines are eliminated from our city elections. It will be a long step in this direction to have our election for city officers at a different time from either state or national elections. While it may be expedient under the existing conditions in most of our cities to cooperate with national parties, I am convinced that we will never get satisfactory results until we get rid of party lines and look upon our city governments as having nothing whatever to do with national policies.

Elimination of Party Lines

It is a source of great weakness that our city governments are modeled upon our national and state governments. The reasons for separating the functions of national and state governments into executive, legislative, and judicial do not apply to city governments. If in Philadelphia our councilmen could be elected at large and a much smaller number chosen, we would obtain far better results. The chief reason why Washington is the best governed city in the United States is, that its government is

absolutely free from party politics. The idea that each ward in the city should have a representation on the theory that it has interests separate and apart from the interest of the city at large is a fallacy. Such problems as water supply, street paving, street cleaning, illumination, police regulation, and the taxation for these objects are purely business questions which can have no possible relation to questions of national policy and which should be considered from a purely business standpoint and not from the standpoint of questions of party policy and party patronage.

Time does not permit the elaboration of this subject, but I believe that the great source of weakness and the great cause of failure in the efficiency of our city governments can be traced to the attempt to model our city government upon our national government. We must get rid of this idea before we can have efficient business administration in our cities.

You see we are somewhat inducted in this matter, and we are trying to work out our salvation, if we do not become discouraged, I think the remarks of our last speaker touched the key note of this whole matter when he said it was not so much a question of method as a question of maintaining our courage and our independence and keeping at it.

THE PRESIDENT. We will next hear, ladies and gentlemen, from Mr. Elliott Hunt Pendleton of Cincinnati, editor of the Citizens' Bulletin.

MR. PENDLETON: Mr. Binkerd in his paper referred to the fact that this question had been considered at the round table conference we had in Atlantic City some two years ago, and also expressed his disappointment that the matter was not settled at that time. I am afraid he will suffer another disappointment at this meeting, because I do not think we shall all agree today as to just what should be done.

This same subject came up for consideration at the round table conference that was held in Chicago in 1905. It was discussed at a luncheon which was attended by some thirty or more. Mr. Murphy, the secretary of the Citizens Union of New York, and Mr. Lincoln Steffens participated and Mr. Walter L. Fisher presided. Mr. George E. Cole, the founder of the Municipal Voters League, was also present and we discussed the subject for four hours, and the meeting was an interesting and lively one and it nearly broke up in a row, and it would have, I think, if it had not been for the remarks that were made by Mr. Cole. Mr. Cole finally said "There is no one way of doing this thing. We of Chicago are familiar with our local conditions, and we can meet them and think perhaps the Municipal Voters League plan is best, which perhaps it is for us, but we don't know what your conditions are in Cincinnati and Kansas City. But I want to say before we adjourn, the important thing is to *keep everlastingly at it*. If one plan does not succeed, try another."

Now I have often recalled Mr. Cole's advice. We have followed it in Cincinnati. We have tried one plan and then another and we are going

to keep on trying every plan that commends itself to us. The challenge has been issued by the national parties, which through corrupt machines have been debauching our city government; therefore, the choice of weapons is ours and I believe in selecting that weapon whether it be the municipal voters' league or whether it be the city party or whether it be the city club or whether it be a vigilance committee or whether it be a detective bureau, which will prove most effective in accomplishing the utter annihilation of the enemies of good municipal government. [Applause.]

We have been in earnest in Cincinnati, and have considered this matter carefully. Of course we have made mistakes, but we did not intend to, therefore what we did do will give you the result of our best thought.

The Citizens' Municipal Party was started in the spring of 1903. It grew up in this way. There was a factional fight in the Democratic party and neither faction could get control of the executive committee. So a compromise was effected. They Cincinnati's Municipal Party said: "We will appoint another outside committee of twenty-six citizens and will turn the entire campaign over to them." I was a member of that committee. At our first meeting twenty-five out of the twenty-six were present, and each man was asked as to whether it would be wise to stick to the regular Democratic ticket, Democrats from top to bottom, and also to have the party emblem at the head, which is a rooster in Ohio, or whether it would be better to nominate a non-partisan Citizens' ticket. When my turn to discuss the question came I put the following queries to my associates: "What is your object? Do you wish to make as good a showing as possible in the approaching election or are you willing to enter upon a fight for good city government on absolutely non-partisan lines and to keep up that fight until victory shall crown our efforts?"

Well, I think what they wanted to do was to make the best showing in the coming election. But they thought that they could do that by putting up an independent ticket. So the Citizens Municipal Party of Cincinnati was then started, and there was no Democratic ticket in the field, and the Democratic executive committee got together and they passed resolutions that for all time to come they would stick to that principle, the principle that we have been working for in the National Municipal League, in order that future generations might get the benefit of their action on that day. Well, if they had been honest and straight and had stuck to that determination, what better plan, gentlemen, could we have devised?

Well, we were very badly beaten. Then we reorganized and got the true reformers in charge of the city party. The next election was in the spring of 1904, and we thought we had better not tackle too much, and therefore we confined ourselves entirely to the improvement of our schools. Our schools had come to the very lowest notch, although twenty-five years ago they stood at the head of the list. All this was due to machine

politics. The school board had been turned into a kindergarten for the training of machine politicians. There was no salary attached, and the boss would say "go and carry your ward for the school board, and if I see you can do that I will take your case into consideration and give you some more lucrative position later on." In that election the school board ballot was a separate ballot, but party designations were permissible.

School Board Fight

Under the provisions of the then existing law we could have on our ticket in a school board election candidates taken from other tickets. We indorsed some good Democrats. Some of the others we could not indorse at all, and we nominated independent candidates. Perhaps the best result of that particular fight was that we defeated the bad Democrats even though we elected the men on the Republican ticket, who were very much better. We had to teach the Democratic party that it would have to respect us and take us into consideration.

In the fall of 1905 we won. That was due to several causes. The ticket that was nominated then was made up by the Democrats and with very little care because of the fact that nobody expected there was any chance whatever of winning. In a sense the result was an accident. The following causes, however, may be credited with having contributed to the successful termination of the campaign. An honest elections committee was organized for the purpose of preventing election frauds

Honest Elections Committee

that had become most violent and flagrant. That had a great deal to do with arousing the electorate of the city. In addition to that, there has been previously no daily newspaper in Cincinnati that would stand for reform at all, but in our previous fight we had won over one of the dailies to our support and that newspaper—The Cincinnati Post—has stood by us ever since. You can imagine how much that means. Then Secretary Taft made his famous Akron speech, and that of course had a great deal to do with the result. More than all was the victory that had during the previous spring been accomplished in Philadelphia. We had all regarded Philadelphia as being at the bottom of the pit and Philadelphia having reformed itself to a certain extent waked us up not a little bit. It would not have done for Cincinnati not to have won that time.

Permit me to call attention to the fact that the Citizens Municipal Party executive committee when it was reorganized consisted principally of college men, and that half of them were Yale men and half Harvard men. I refer to the matter because I am so glad that Harvard and Yale men and college men generally are taking a greater interest in all movements which have been inaugurated to better municipal conditions.

Three men who went to the legislature and accomplished so much good, were Yale men, but they received the support of the Harvard men and all other college men in Cincinnati. They brought about a direct primary nomination law, a new municipal code putting the responsibility upon

the mayor, practically making him the real mayor instead of the figure-head. Civil service in all departments of the city is to be introduced. They also secured the enactment of a law for a small school board and a law prohibiting campaign contributions from corporations; a law providing for park commissioners; and a law providing for a small school board. We had a school board of twenty-seven; we have got it down now to a school board of seven. We spent in fifty years only one dollar per capita for high schools in Cincinnati, and this last year, in one year alone we expended three dollars per capita. That, it seems to me, shows alone progress in the reform movement in Cincinnati.

I find my time is about up, and I shall have to conclude by just telling you what was done in Cincinnati at the election this fall in order to show what progress independent voting is making in our country. Secretary Taft carried the county by about seventeen thousand. Judge Harmon for governor on the Democratic ticket carried the county by about nineteen thousand. Some of the local officers—and remember always that Cincinnati is normally and largely a Republican city—some of the local officers elected were Democrats. Most of the machine candidates were elected. But the big fight we made was for the prosecuting attorneyship. The Republican machine had elected its prosecuting attorney for twenty years, and we had been trying to get at municipal corruption through legislative committees, but the court stopped the investigation of these committees and the last decision of the court held: "The only way to do this is in the legal way, through the county prosecuting attorney's office." So we thought that was all we would fight for particularly at this time, and we elected our man. [Applause.] Notwithstanding the fact that Secretary Taft carried the county by seventeen thousand our man on the other side was elected to this particular office by about twenty-five hundred. [Applause.] The man who was nominated against him on the machine ticket had been the assistant county prosecutor. His chief, because he had served the machine so well, was nominated for the bench, and we also succeeded in defeating him.

Allow me in closing to refer to a few words of our great president. Although I do not agree with him in many of the things that he has done,

<p>President Roosevelt and Reform</p>	<p>I believe that President Roosevelt has done more for the advancement of reform by awakening the people of this country to appreciate the evils that are going on to a greater degree than any other president we have ever had in the White House. [Great Applause.]</p>
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What a condition of affairs has been exposed in San Francisco, and if something is not done, my friends, the same condition will develop in all of our American cities. Some of us may be nearly as low as San Francisco is now. (A voice "Another earthquake will do them good.") Speaking about the earthquake: I have a cousin who lives there, whose property was principally real estate. When the earthquake and the fire came practically all of her fortune was swept away, certainly temporarily.

She could not get any money from any bank to pay for anything for the first few days. She wrote me during the first few days after that awful catastrophe: "Notwithstanding all that has happened if we can only reform our city politics I shall regard the earthquake as a Godsend." Now President Roosevelt telegraphed to Mr. Spreckels the other day this: "Every decent American who has the honor and interest of the country at heart should join not only in putting a stop to the wave of violent crime of which this man's act is but one of the symptoms, but also in stamping out the hideous corruption in which men like this would-be assassin are bred and flourish, and that can only be done by working, as Heney has worked, religiously against every man who is guilty of corrupt practices without any regard to his social standing or his prominence in the world of politics or the world of business."

Let us take the advice of the President and work as Heney has worked to get rid of and eradicate this corruption. [Applause.]

THE PRESIDENT: I will now call on Mr. John A. Butler, of Milwaukee, chairman of the Wisconsin Civil Service Reform Association. Mr. Butler. [Applause.]

MR. BUTLER: Not having had an opportunity to examine a copy of Mr. Binkerd's paper before reaching Pittsburgh, owing to causes which were unavoidable, I have not been able to formally discuss its various propositions, and my thought follows somewhat different lines. The principal contention, as I understand it, is that militant political work can be done more effectively through the methods of the voters leagues than through the attempted election of independent candidates. I think under existing conditions that that is probably true, but it does not seem as if the citizen ought to be so lacking in knowledge of policies and candidates, that he should need a voters league to tell him what to do, and it does seem as if he might reach a stage of development in which the national parties might be non-partisan locally as they are in England.

The work of the voters leagues is so admirable, as a temporary expedient, that it would seem ungracious to say that their existence indicates the local breakdown of popular government, the citizen being unable to know and judge for himself, and being further weakened by having such organizations investigate for him, and still there is some truth in that statement. It seems to me that the trouble lies deeper, and requires the development of a general militant citizenship, which can and will solve its own problems in its own way, and I should readily agree that all the methods now in vogue promote that development.

But the qualities of militant citizenship cannot be instantly aroused, or created at will, or by anything less than the fires of inner conviction, though they will certainly be brought to bear upon the municipal, which is closely related to the social situation, as the struggle for a better and

higher future progresses, with imperative demands upon character and thought; and it may be that all the splendor of the past will be eclipsed by the mighty workings of the crucible out of which the future shall proceed.

There are militant citizens, far sighted, widely informed, and earnest men, but there is as yet no sufficient body of militant citizenship, inspired by the unity of purpose which springs from united opinion upon realized evils, and the development of that citizenship seems to be the only means by which an "awakened public conscience and an interest in public affairs" can be made available and effective. The fountain cannot rise higher than its source, and the effort for municipal betterment cannot be higher and greater than the ideas and beliefs of the people. Unity of effort and certainty of results are not probable, on any very considerable scale, until the people thoroughly understand both the problem and the remedy. The moment they are fully instructed and inspired, the change will amount to a virtual revolution, and the admirable paper of Mr. English at yesterday's session is significant of such a departure in a very important quarter.

There are temporary ebullitions of general interest in better conditions, to be sure, on the part of considerable bodies of men, under devoted leadership, but they are usually based upon the impulse produced by an inadequate realization, and rarely amount to anything but demonstrations which rapidly subside. They are nevertheless not without significance, and cumulative coherence and strength, as they succeed each other, preparatory to the general and more stable movement of which they are the forerunners. Excellent men, shocked by disgraceful disclosures, get together with a vague wish for improved conditions, and find themselves hampered by a narrow and shortsighted self-interest incompatible with a wholehearted crusade for political and social righteousness. Political allegiance sometimes blinds and impedes them, or they find themselves enmeshed in general commercial relations with public service companies, or politician controlled public institutions, to which they sell their merchandise, or by which they are controlled through a realization of past obligations, and a desire for future favors. Some of these relations, which are a part of the general texture of commercial and political life, are compatible with a high degree of personal integrity and public spirit, in many directions, but they are entangling alliances which can only be overcome by the consciousness of a greater danger, and a higher interest, and the earnest conviction, based upon adequate knowledge, of the gravity of the situation; and of the value of broad grounds of public policy as a safeguard for the justifiable private interests of all concerned.

That a new future is already at our doors no thoughtful man will deny, and it is quite as certain that its character will depend wholly upon the influences which inspire and equip the new citizenship, militant or otherwise. That the work of improving the conditions of urban life, that piv-

otal point in social and political existence, where the pressure is most keenly felt, and the contrasts are most obvious, is a part of the ferment out of which a militant citizenship is to issue, is beyond question, and the early recognition of that fact by this organization has been most fortunate. Our work has been generously supported, but when we realize the obstacles which confront us, and the depths of apathy which still exist, the support which we receive and which is also extended to the related work of civil service reform, is pitifully meager and inadequate, and one of the surest tests of the extent of that enlightened good citizenship which maintains two of the most powerful agencies of social and political regeneration.

As one of those who were earliest in the field, in the effort to rescue our cities, I am constantly impressed by the need of a still higher level, and a far greater body of good citizenship, before the scope of our undertakings can be increased as it should be, and the work so prosecuted as to produce adequate results; and I hope to be able to indicate in the conclusion of this paper at least one of the ways in which the forces of reform can be materially augmented and militant political work accomplished.

We are entitled to feel encouraged by the development of an earnest reform sentiment which extends from coast to coast, and which we were among the first to help inspire and promote; and if it has sometimes resulted in militant politics upon a basis of partial self-interest, rather than that high type of disinterested and vigorous citizenship to which we have so long looked forward to, it is due to the attractiveness of the proverbial sheep's clothing to the political wolf, and demonstrates an awakened public conscience to which the politician is quick to appeal, and of which he usually takes advantage.

The reports of Secretary Woodruff, year after year, are a splendid and most interesting record of accomplished work, and show that local efforts in many cities have been crowned with success, and it is an encouraging fact that the influence of local agitation is far greater than the apparent interest of the people would indicate. The former Municipal League of Milwaukee, for example, with a small membership, exercised an acknowledged restraining influence on the conduct of city affairs for many years, and its educational work was continuous. It is not exaggeration to say that its example led to much that has been accomplished since. It placed the appointment of several thousand city employees on the merit basis. It saved the tax payers hundreds of thousands of dollars by defeating efforts of the city government, before the legislature, to have the tax rate raised from fourteen to fifteen and one-half mills. It secured the passage of an improved school board law, which unfortunately was afterwards repealed. It opened the fight against granting the street railway company further gratuitous franchises, some years ago, and unfortunately ceased to exist shortly afterwards, the fight being taken up more sensationally, though not more vigorously by a body of quasi-political reformers who enjoined the Council from granting the franchises in question, but

naturally failed to attain the desired result. Some years later the Voters League was established and is still in existence and doing very useful work. Another body known as the "Committee of Ten" did energetic work in ferreting out, and securing the prosecution of a considerable number of municipal malefactors, many of whom were convicted and fined or imprisoned. Then came the Civil Service Reform Association which, with the aid of the National Civil Service Reform League, induced the Legislature to pass a civil service law for the state.

The last expression of reform sentiment, resulting from the third or fourth reflection of a spoils mayor celebrated for making Milwaukee a

Federation of Civic Societies

"wide open town" took place last spring in the formation of the "Federation of Civic Societies," devoted to the cause of better government, and a watchful guardianship of the merit system. The federation has not yet had time to do much active work, but much is hoped from it. The Westminster League, the Men's Clubs of St. James Church, and the Grand Avenue Congregational Church, and several smaller clubs, component parts of the Federation, promise a good degree of activity. The Westminster League in particular, under the energetic leadership of Mr. H. C. Campbell, has succeeded in inducing the School Board to permit the use of the ward schools as centers for civic education in the form of lectures and discussions; and has undoubtedly contributed materially to the development of an enlightened and militant citizenship. Through the efforts of Henry Smith, an able and high-minded alderman, who has served his ward for more than half a lifetime, a law was passed by the last legislature authorizing the election of a Milwaukee Charter Commission, to frame a modern charter. The unfortunate action of the mayor and common council in refusing to vote the necessary funds has seriously crippled the work, and the probable result is not yet known. This illustrates what can be done in an unpromising city by a few militant individuals, and indicates very plainly what could be accomplished with the support of large bodies of thoroughly equipped and earnest citizens.

Of course a great deal of the local work in our cities is due to the influence of this body and our record in the National Municipal League, since

The National Municipal League

we first met in Philadelphia in 1874, is certainly most encouraging. If our constructive work has not yet been everywhere adopted, and if, where it has found a partial foothold, too much faith has been placed in the results of mere legislation, it is simply because we have not been enabled to carry forward the already great educational crusade more widely and powerfully. Constructive work is a necessity, but a public capable of appreciating and demanding its application is a far greater necessity which can only be supplied by educational methods. In a city in which the best civil service law is in force, a bad mayor, frequently re-elected, may seriously impair the efficacy of the law, by his appointment of the members of the commission charged with its enforcement, and the

best charter in the world can be disregarded by an ignorant or venal board of aldermen controlled by vicious private interests. Such a mayor and such aldermen are, in the last analysis, the result of a citizenship far from being either ideal or militant. The fundamental basis of adequate reform is therefore to be found primarily in education, and education alone.

It was the promulgation of the so-called "ideas of the 18th Century," through the writings of Voltaire, Diderot, and Rousseau, which finally precipitated the French Revolution, and the publication of Uncle Tom's Cabin was largely instrumental in creating the public opinion which freed the southern slaves. In the city of Milwaukee it would be difficult, and perhaps impossible, to secure \$300.00 a month from our average business men for the production of educational literature, which ought to be distributed in several languages and hundreds of thousands of pamphlets, to create the citizenship upon which the future of that city depends; while the socialist leader, Victor Berger, tells me that money is so freely given from the pockets of the poor that \$1200.00 is sometimes expended weekly by his party in printing and circulating literature, the purpose of which, of course, is more or less radical revolution.

The socialist vote in Milwaukee a few years ago was counted in hundreds, but bad city government and this party's admirable system of education has swelled that vote to 18,000! And I am happy to be able to say that socialist public officials are men of high character, and can be uniformly depended upon in pushing good measures, whatever we may think of the cure they propose for admitted evils.

A writer in the October Atlantic says: "What our colleges are asked is to turn out young men who can start out to earn money as soon as possible. * * * We demand something 'practical' * * * and we translate the word in the universal term of dollars and cents. President Roosevelt has recently said: 'That life is worse than wasted which is spent in piling, heap upon heap, those things which minister merely to the pleasure of the body, and to the power that rests only on wealth.'

"I will go further and say that the ultimate and complete salvation of our city, and state, and national government, presupposes a revolution in our ideals of life and education based upon higher conceptions of personal quality and civic duty which shall free us from the grasp of a paralyzing philistinism."

An organization in Milwaukee known as "The New National Education League," has secured the introduction of a bill providing for a national department of education with a representative in the Cabinet. It also seeks the establishment of an experimental school based partly on the ideas of Pestalozzi and Horace Mann, and the system employed in many German schools, and in the German-English Academy of Milwaukee from which students are said to be graduated at a comparatively early age, with a training equivalent to that of the average high school, but more specifically devoted to the development of character. The idea is to bring what is approximately the "higher education," vitalized by ideal and

ethical conceptions, within the reach of that vast multitude of scholars which never gets beyond the grade school, and thus powerfully augment and elevate what may be called the educated public. An extract from one of the League's circulars reads as follows: "As we look upon the young graduate from either our public or our private schools, are we satisfied with the result? Where is the eager idealism, the steady, manly, womanly purpose, the simplicity, the efficiency, the high sense of responsibility, the dawning social consciousness which should characterize the product of the schools of a democracy?"

Well founded or otherwise the purpose of the League is suggestive. What we need are citizens who are equipped with the requisite knowledge, and moved by the right ideals; who are particular about and familiar with the qualifications and service of their municipal servants; citizens who are themselves ready to enter the City's official service on a basis of civic pride and honor; citizens, whether rich or poor, who will serve without compensation for the sake of the "Common Good" like the members of the London County Council, and the aldermen of nearly every European city; Citizens who are well described by Charles Edward Russell in "Forward, Citizens, to the Firing Line" in *Everybody's* for November, which every municipal reformer has undoubtedly read.

Permanent free government without the well equipped and devoted citizen is as unthinkable and as impossible as stability in a mighty structure without a sound foundation, and unless such a citizen is forthcoming the American political edifice will finally be rent asunder. The place to create the high-spirited, fully equipped militant citizen is in the public schools by appropriate instruction.

' The education of a European monarch is marvelously thorough and many sided. He is drilled by the best instructors, and fully equipped, ethically,

The Education of the Sovereign ideally, and politically for the general and special work of government. It is only in the Republic that the monarch gets his chance education, in large part, from the ward politician, the party papers, the political gang and in the streets and slums. The inference is obvious, and the most valuable preliminary work to which

this or any other organization can devote itself, is the ethical and political education of the citizen—the democratic monarch. To ensure that education the resolute effort should be made to induce the school authorities of every city not only to make the ward schools civic centers for the purpose of meetings and lectures, but to afford daily instruction on the nature and duties of municipal citizenship, and the character of official and political machinery and action, in the light of the best experience and the highest ideals. When that is done any worthy cause will find a militant citizenship ready to enter the lists in its support, and the reform not only of our city governments, but of the ideals of life and business will soon become an established fact in the most beneficent and peaceful revolution of history. Most of the bitterness and many of the unjust inequalities of

life will gradually be removed, and added splendor will be given to the material greatness of the foremost government of the world. [Applause.]

THE PRESIDENT: The next speaker will be Mr. Camillus G. Kidder, of Orange, New Jersey, Chairman Orange Board of Excise.

MR. KIDDER: I would like to remind those of my predecessors who have been telling of remarkable achievements and of their mistakes, of the remark of Mr. Phelps, our minister to England some time ago, that "he who makes no mistake makes nothing."

My little sandwich, sir, to this picnic relates to a very small happening in a small town with regard to the choice of good men for a trifling office, but it was a movement carried out a few weeks ago with marked success, and it seems to me to illustrate in a small way the points made in Mr. Binkerd's paper, and, judging larger things by small things, it may be worth your while to hear it.

Orange is a small town of twenty-eight thousand people and part of three other boroughs or cities which join one another and aggregate altogether about sixty thousand. But unfortunately they have separate city governments. The population of Orange, N. J. Orange is rather curiously composite. There are seven thousand five hundred Italians, two thousand free born citizens of African descent and there are perhaps one thousand Polacks and Hungarians who are interested in the pursuit of happiness. There is a large minority of residents who do business in New York. It is about thirteen miles out, and is situated with regard to New York very much as Chestnut Hill and Germantown are to Philadelphia. Now the men of New York are called "roosters" by the natives. A rooster is the emblem of the Democratic party in Ohio, but in New Jersey it is very hard to make him crow. The reason they are called roosters is because they scratch gravel in New York and come home to roost at night. It is very hard to arouse in these men a feeling of true civic interest. That is the reason why our little movements of reform in that particular borough have a certain lively interest.

Now we have had for a number of years a school board consisting of fifteen men appointed three from each of five wards. That school board the last two years got into trouble and fell into factional disputes. There was a good superintendent of schools and the main object of the large minority of the board seemed to make things unpleasant for the superintendent, and there was a dispute with a principal. He was a good teacher, I believe, but wanted the place of superintendent. For that reason, after much rumpus, which got into newspapers, he was discharged. Then the parents of the children came to the school board and rather bulldozed them, as the boys say. The result was, that although his place had been filled they chose him again as principal in deference to political clamour, and there were nineteen principals for eighteen places. Since these

A School Fight

little suburban towns are always hard up for money it was rather an embarrassment. The general opinion of the public was that the board was long of principals and shy of sense. The legislature a year ago passed an act authorizing a town of the second class which would accept the act to elect nine for the school board by a general ticket from the whole town to replace these boards of fifteen, chosen each from a ward.

Well, in a lucid interval our people in Orange accepted that act. This fall came up the question—unfortunately our town elections are held at the same time as the national and state—whether we could put in a new board of nine good men who would run the schools on a non-partisan basis and put us on the level of schools of the surrounding towns, which as things go are usually good. We got up a scratch committee that was called together by Dr. Bayliss, a Ph.D., of Columbia, who had been some years ago chairman of the school board. He called together about eighteen men, most of whom had served on the school board in former years, and his idea was to get up a ticket and get both political parties to accept it. It was decided on early in the conference that the issue was not large enough to form an independent citizens' party on the school board issue, that even if we carried it, it would exhaust the enthusiasm of the roosters for one year, and we might want to make a bigger issue. So we invited to the conference the leaders of both parties. We got the attention of the Republicans very cordially. They came. The chairman of the city committee and the candidate for mayor on the Republican ticket went so far as to say he was willing to vote for nine Democrats, a most incendiary proposition in that district, if they were good men and would run the schools in a nonpartisan way. The best of the Democratic leaders approved the thing in principle, but they could not be sure that it would work with the rank and file of the party.

We held various conferences and we decided in the first place, that we would not name as candidates any of the former board. There were good men on the old board who deserved reelection, but we saved a good deal of friction by not dividing the board off into sheep and goats and the good men realized that they were sacrificing themselves for the good of the community, and we promised them our support in a future campaign. Now it takes fifty men under the new primary law to nominate, and it we had not got the adhesion of the Republican party I think it very probable we would have had the fifty men as a matter of personal friendship, and those fifty men would be the only ones who would vote the independent ticket. Some of the Republican leaders held a meeting about this "self-appointed committee," "shall the people rule?" "are you going to accept this ticket made up from the highways and byways?" but finally we chose four Republicans and four Democrats, good men and true, and one man who was absolutely non-partisan. He is, by the way, a classmate of Secretary Taft.

Well, in the little campaign we said not a word reflecting upon the former board. It was all constructive. "Here is a chance to get these fine men.

No criticism on the former board, but all pushing forward these new men." A few of us chipped in a few dollars, I think five dollars was the maximum, and raised about one hundred dollars, with which we got out a circular describing the virtues of these men and providing pasters. Under the Jersey ballot law you have pasters and you have the ticket—you can get hold of the ticket weeks before hand. That was all that was done, to send out this circular and pasters.

Now, it is very curious the way that resulted. The county went all sorts of ways. It went twenty thousand for Taft; it went six hundred against Mr. Colby, "the new idea" man, a very excellent man; it went fifty-five hundred for the Democratic sheriff; in the town of Orange it went twenty-seven for the Democratic mayor, a town normally about two hundred Democratic majority; but that is disputed, and a recount is now going on and perhaps the Republican will get in.

The Democrats, I should say, refused to accept this scratched ticket, but put on three of our four Democrats on their own ticket and then nominated a lot of the most troublesome of the former board who had wanted strongly to have that high position. Of course the three Democrats who were on the Republican ticket and on the Democratic ticket went in practically unanimously, one exception being a small vote for the Socialist and Prohibitionist. The man with the smallest majority on our ticket had nine hundred and nine majority in that little town, the highest man something over one thousand. Think what that meant. We were twenty-eight thousand people, a few over five thousand votes, a town normally Democratic, electing a Democratic mayor. At least four hundred and fifty-five Democrats must have scratched the ticket on this little matter to vote this way. That means that we changed ten per cent of the votes. It seems to me that is instructive.

I thank you, gentlemen, for your attention. [Applause.]

THE PRESIDENT: *Ladies and Gentlemen:* The remaining speaker of the list, who is Mr. Dwight F. Davis, of St. Louis, a member of the city council, is, I am told, detained in St. Louis by the necessity for an exhibition of militant political work for a better governed city—opportunity for such work having arisen there as it has arisen previously. The program says that there will be an opportunity afforded for further discussion.

Ladies and Gentlemen: We are favored with the presence of two gentlemen connected with the German Government who have attended the meetings of the League, indicating their sympathy and interest in the problems which are under discussion. Dr. Bomke and Dr. Wiesner are come to us [Applause] and we shall be pleased to hear from them. [Applause.]

DR. JUR WIESNER, Regierungsassessor: *Gentlemen:* It is very kind of you and I thank you very much for this opportunity to attend your congress. We appreciate all that we have heard greatly and thank you for the opportunity. [Applause.]

DR. JUR BOMKE, Regierungsassessor: I thank you very much, I am sorry I cannot take part in this conference. It is very interesting to hear all of this, especially after having studied the English government. [Applause.]

THE PRESIDENT: Mr. Binkerd will now be given the floor for the laudable purpose indicated in the previous remarks of the chair.

MR. BINKERD: In the first place I do not wish my position to be misunderstood or the remarks I made about the situation in Philadelphia and Cincinnati to indicate a belief in my mind that these movements were unavailing. On the contrary they have accomplished results, and I am sure that had I been in Mr. Pendleton's place in Cincinnati I should most certainly have done exactly what he did in that situation.

But the thing which I am trying to get at is, how are you going permanently to provide for the necessities of an increasingly intelligent electorate? How first of all are you going to stimulate that intelligence, how are you going to increase the amount of political independence, how are you going to provide for its permanent instruction and guidance at the necessary time? I have argued that a city party of itself cannot permanently fulfill this function nor do I believe after all we have heard that it can do so. The party organization, a committee subject to the pulling and hauling of twenty-five or fifty distinct organizations, is not in the position to pursue the quiet accurate political information, let it get whom it will, that a small executive committee like that of a municipal voters league, is in a position to go for and get. The expense of maintaining the party organization is a serious item. We cannot lose sight of the fact that the thing that holds parties together today is a mucilage, and that mucilage is patronage and honor in some form or other. That is, it may be true that the Socialistic party is held together today by adherents to principle, but I think those who have observed political progress will agree with me that in any place where the Socialistic party looks like a victor it will then find its ranks invaded by political hangers-on who may turn the election and whose adherence will be gained solely by the desire for office or patronage.

We want an agency by which the citizens can be informed at every election as to what is necessary to be done. Mr. Butler has rather indicated that it is a low degree of intelligence on the part of the elector which makes this necessary. I don't think so. It is an unprovided necessary function. We have got to provide it by voluntary means. You and I cannot go and examine in detail the administration of the city. You and I cannot as private citizens go to every meeting of the board of aldermen and board of councilmen or call it what you will. We know the primary law. We know that parties will not tell the truth about their candidates. Who will?

My answer is that the simplest form of organization is that which is commonly designated as the municipal voters league, which is on the principle that a small executive committee of men of unquestionable integrity, standing and working through men who are experts in this line of work, are in the best position to serve as a source of accurate information at the right time to the voters of each city. The situation may arise when

**Independent
Nominations**

a committee of one hundred ought to be formed; when an independent nomination may do good. Well and good. The accurate information given to you by this association at this particular time shows the necessity.

Let the work be done. Let the committee of one hundred, having accomplished its purpose, resolve back into private citizens again. The same men who have combined for a purpose regardless of party can combine again if it is necessary. Meanwhile we have no form of organization to keep up. We have no possible avenues of wasting our money. We are calling for no heroic or unnecessary waste of time or labor. That in short is the whole proposition which I am arguing. So much has been said that I will not take any further of your time by saying anything more, although there are many other things I would like to say. [Applause.]

THE PRESIDENT: Mr. Binkerd has in one respect differed entirely from all previous speakers. He has paid some attention to the time limit. I am very sorry to perceive the growing tendency in this organization of a taint toward legality, that is to say of paying some heed to what is the written law as contained in the program. That I regard as entirely unworthy of reformers, therefore I will retract what I said a little while ago that there will be no opportunity for further discussion, and, subject to the congressional five minutes rule, I shall be very happy to hear from any gentleman—and still more happy to hear from any lady present, on this interesting subject. [Applause.]

PROF. A. R. HATTON: I have no desire to continue this matter longer than is absolutely necessary, but having for some years observed the working of these so-called militant political organizations, both in Chicago and, since going to Cleveland having been connected with the active militant organization there, founded by Harry A. Garfield some years ago, known as the Municipal Association, I have some opinions of that particular question. And just let me point out some of the difficulties of the municipal voters league plan, although I want to say it is a plan with which I am most in accord.

I think it is agreed it must be confined to a small committee, that a large working party is not practical. A small committee, however, has some disadvantages. After a while people become tired of being told by a certain group of men just exactly what they ought to do and occasionally want to know who these three tailors of Tooley street are. Another difficulty which arises with a small committee in the

**Disadvantages
of the Voters
League Plan**

municipal voters' league plan is in general that after it has been continued over a long term of years it usually comes about that you have so many interests down on you in a locality that your influence has somewhat waned, as every time you make a recommendation, especially when you make a commendation of a man, you create enmity on the part of some particular interest, so that the older the organization becomes the less its influence becomes.

It does seem to me that it is necessary to democratize these institutions somewhat more than has been done. Let me indicate the plan we are adopting in Cleveland. Without getting rid of the close corporation executive committee we are endeavoring to bring the movement somewhat closer to the people by organizing what we have been pleased to term an auxiliary committee, which is entirely under the control of the executive committee, and can do nothing without the executive committee, but which acts as our publicity agent in the various localities. In the recent election we organized a number of the wards to this extent, that we placed men at the polls distributing our tickets or sample ballots marked with our particular recommendations of a man or men and upon whom the members of the auxiliary committee could absolutely depend to say why we were against particular principles.

I want to disagree to a great extent with the recommendations that it is necessary for these organizations to have a program. I am inclined to think that such organizations cannot have a definite program and for this reason: my experience, as I have watched these organizations has been this, that the moment they get beyond the point they are recommending or condemning a man on account of his honesty or dishonesty they have gone to a point beyond which the people will not go. The ordinary voter is willing to be told that he should not vote for a man because he is dishonest, but these organizations have not shown particular strength when it comes to the matter of securing efficiency. That I think has been distinctly shown by the Municipal Voters League of Chicago.

Another danger of the program plan is this, that the moment you attempt to adopt a program you attempt to decide questions of policy and

The Program you decide your electorate. Therefore the only program
Plan so far as I can see that has been permanently successful in these organizations has been practically

the program of honesty—to a much greater degree than a program of efficiency. The program of efficiency has to be carried out so far as I can see by some campaign of education. Of course these recommendatory committees are educative in a sense, and through discussions some organizations are doing distinctly good service, and I must say I don't see why we should not have a further combination of education with the municipal league voters plan.

I have been inclined to think that these leagues can go thus far—they can wipe out dishonesty. As one of the most militant Chicago reformers

said to me, we had gotten a council that would not steal, but not one that could not be stolen from, and that is to a certain extent true of the work of these organizations. Beyond that point it seems to me that the next step is the educative policies which have been so well emphasized by one of the previous speakers in the direction of getting both sides of every question before the voters. After all, that is what we ought to put up to the intelligent voters. We ought to ask the voter to do something, and it seems to me we are weakening our civic life by taking off the voter's mind the necessity of deciding almost every question which comes up beyond the point of simply telling who is honest and who is dishonest, and so far as we can who is efficient and who is inefficient.

HON. MERWIN K. HART, Utica, N. Y.: I almost hesitate to say much of anything here, because my business is politics. I am putting all my time into it. I am not getting my living out of it, and I expect the situation will continue.

I want to say further that it was at a session and conference of the National Municipal League at Atlantic City two years ago that I made up my mind to go into politics. I want to say that I am very much impressed with the clearness of all the addresses which have been made this morning and especially with Mr. Binkerd's presentation. It does seem to me that all that has been said has been said as from the point of men who were working from the outside trying to reform the fellows on the inside. I want to admit that a good many of us on the inside need reforming, but I also want to point out that there are some of us on the inside, as you of course know, who are trying to reform from the inside, and that very considerable can be done from the inside.

My state is New York, and I happen to have been in the legislature for two or three terms and to have taken a distinct interest in two or three important subjects which have been up, and in one which I believe is going to be the issue in the State of New York this coming year. I am surprised, Mr. President, that that has not been referred to at this meeting in a more detailed way than it has been today. It is the subject of direct nominations.

Direct I want to take for a specific case, because my time is limited, the city in which I live, the city of Utica. I want
Nominations to say that aside from all the known politicians there most of the people in the city are either of the one party or the other. I want to point further that the issues in that city are decided not at the polls as is generally thought by a large number of people, but at the party primary. I want to say that the New York primary law today is such that half the voters are disfranchised, but I want also to say that I believe it is a thing of the utmost importance that the primary law be changed so that candidates for office will be nominated not by delegates but directly by vote of the people. I was in a primary fight this last summer which is said to have been the fiercest primary contest which had taken place in central New York in twenty years. A number of us

were interested in it and we rode that county, as the saying is, from one end to the other for four months. We did our best to bring out the vote. We have an enrollment act, and I believe eighty to ninety per cent of the Republican vote, the party to which I happen to belong, is enrolled and may vote at the primary; and I point out to you that less than forty per cent of that enrolled vote came out and voted at the primaries. The reason was because those men were voting not for the men they wanted to see candidates for office, but they were voting to strengthen the arms of delegates owned by a political machine who when the time came would nominate men who would suit their own private interests. And I want to say that forty per cent is as high a percentage of a party vote as has ever been brought out, as high a per cent as under the delegate-in-convention system has ever brought out.

I want to quote some figures from Crawford county, Pennsylvania. They have had direct primaries there for forty years. The lowest vote they have ever had was forty-four per cent of the Republican vote in a contested primary. The next lowest was fifty-two per cent, and the vote for thirty-one years was seventy-four per cent. The last sixteen years was eighty-four per cent and the last fifteen years it was sixty-one per cent. Comparison was offered by the city election in the city of Meadville in 1901, the Republican party having direct nominations, the Democratic party the old delegates-in-convention system. The Democratic party polled seventeen per cent of the vote that was cast at the preceding election, whereas the Republican party under direct nomination polled eighty-two per cent of the entire Republican vote, and I say to you that under the direct nomination system which now is in existence in nineteen states in this country you have a fuller expression of party opinion; you have far less dissatisfaction after the primary has been held, and you force the voters to take that same interest in their party primary when the nominations are made and the policy is instituted, the same interest they now take in the election. I just want to emphasize this point of direct nomination, because the eyes of the country will be on the State of New York this winter, because that issue is going to be fought out under the governorship of Charles E. Hughes, who has just been reelected, and it is going to be a bloody fight and it is going to be a fight to the finish and I think that there is not a member of the National Municipal League in this room who will not agree that its object will have been furthered when in New York State we have direct nominations on the part of the members of each political party in that state.

I am sorry that I have taken so much time, but that is the great issue with us, and I expect that it is a permanent issue. I know it is a prominent issue in many parts of the country. I believe fully in the principles of the League, and I believe too that they are not inconsistent with the principle of a great many men in both of the great political parties in this country. I believe further in non-partisanship when it comes to a question of right or wrong, but I am a party man; I stand for party principles, for I believe

there are party principles, and I want to urge a little less of the spirit which perhaps has been evidenced here by some of the speakers, a little less of the spirit that there is no force in party government as parties are run today, which can from the inside, of its own account, help in the general reformation. From within the party I say to the members of the League outside the party, you can help us and I can sympathize perfectly with you without the party. Tell the fellows inside the party that they can help too, and that we are all working together toward a common end.

Mr. PAINE: Our last speaker has brought out an interesting point, but if we are going to widen this question outside the question on the floor we branch out into many other things, like the Australian ballot. His point is well taken, but I think we must observe there are qualifications to it.

**Distinction
Between
State and
City**

It struck me in the first place he was speaking as a state representative and not as a city man. State or national parties have their place in state or national elections, but in almost all the cases in our big cities when they have been established in cities they have run astray so that in some cases they have merited the excommunication of Secretary Root in Philadelphia where they masqueraded in clothes of Republicans and were traitors to their city. In a case like that they ought to be stamped out as Mr. Winston has well said. |

Direct nominations in the city is probably the next step. Don't let us deceive ourselves that it is the ultimate step. Today with bosses controlling conventions direct nominations are helpful. They open the eyes of the people to the fact that they don't get what they are after. We have tried it in Boston and have been helped by it. Where you have direct party nomination the enrolled members of the parties pick out their candidates, and it is a fight between major and minor factions, and very often the faction that wins is the bad faction. After the nominees are made by both parties then it is impossible to hitch up with the independent. In old days under our boss run conventions the minority party was perfectly willing to consult with the independents and good citizens and form a ticket largely made up of independents and wipe off the face of the municipal board for that election the dominant party.

Direct nominations have been helpful to arouse the people to the evils of the old system. But, Mr. President, I rather think that while we may limit our attentions to some of these reforms the people in some of the cities of this country are taking the matter up and solving it themselves. To be sure last year at our convention in Providence we did resolve after a discussion in favor of nonpartisan city government. There has been a great boom in that since we met last year. Des Moines and Cedar Rapids for instance under the Iowa law have already adopted charters under that law and there is no designation on the ballots of the parties, they are eliminated. We shall see how that works in Iowa by test, by actual results.

That same system is being followed in other cities and states are copying the Des Moines commission charter and it will be tried in half a dozen cities. Alameda in California has it for instance, and I think in almost all the cities of Colorado it is the law, that they don't have municipal nominations or designations, and they tell me out there that that is one of the reasons for their excellent government and conducive to stability. I do hope that Mr. Hart in the assembly can realize that this is a great forward movement and it may be the wisest next step for state matters, but it is not the ultimate last step in city matters, and it seems to me, coming back to the point of our discussion this morning that you might say an acute case demands a civic party treatment, and I really think in Philadelphia we would have been with Mr. Winston in creating a separate party, but is not that a solution of the acute case, and after we have gotten the citizens separated somewhat from all party ties we have got to come to a more permanent arrangement of the voters' league and have the voters decide on questions without reference to the party dictum. The independent party often becomes a bad party in its organization, and that is looking towards the future also, because if we are going to have the commission form of government it is probable the municipal voters league will still find a reason for being in showing the people how to pick out the good candidates. In Des Moines we had to elect five commissioners. The voters' league would be very helpful in picking out the good or the bad points in the different candidates. On the other hand even there it seems to me we must not draw any hard or fast conclusion, because I do not believe that in the long run those men will be wisely chosen to office as men.

It seems to me we have got to in some way have a program of policy. In Boston where we have a good plan, something like the National Municipal League, but not so good as that, we are hardly worth paying the huge \$17,000 a year which we have to expend to keep us going. There the analyses proved that the dishonest men stood for measures for the good of the people, but the honest man was not worth his salt as a member of any city council. He knew nothing about what was going on in other ways. He knew nothing about what our cities were doing to help the situation, and therefore it was not to be wondered at that in spite of the recommendation of the Good Government Association the people voted for the crook who stood for things they wanted done rather than the honest man who was merely honest and knew nothing about civic progress. You must have in addition to mere honesty something which stands for the good of the whole community. [Applause.]

Mr. F. R. Boocock, New York: *Mr. Chairman:* I hesitate somewhat to say anything at this convention, because in my study of this proposition I have become committed somewhat to a plan of organization, a plan of a campaign, that is not open for discussion at the present time, but never-

theless it does seem to me that there is a point in the discussion that has taken place this morning upon which there can be a general agreement. In the first place, in order, in my judgment, to accomplish the reforms that are necessary in almost all of our municipalities it is necessary for a program of achievement to be clearly understood and to be thoroughly conceived. I do not harmonize with that sentiment that exists on the part of many people that all political officials holding office are corrupt, or that they scheme to do things wholly for their own personal aggrandizement or benefit. I believe that in many a city there are public officials who are very anxious to do the right thing, who are very anxious to know what the people believe is the right thing. But unfortunately as things exist at the present time there is no method for them to find out exactly what is the proper thing for them to attain to in the particular department which they are seeking to serve. The gentleman who has just spoken has referred to it in the fact that many of these officials don't know what are the best things that are being attained in municipal government in Germany where there are so many excellent things being done, or in England.

I believe and I know that in many of our American communities and municipalities there are splendid things, excellent attainments that stand forth as a credit to those communities. Now, gentlemen, if we in some manner or other can bring those experiences to a point so that in every community in the American municipalities today we can hold them up before all the people that are seeking to serve the public and before the people who are demanding service from their public officials as a pattern, why then we have accomplished a great deal. And after you get a municipal organization that is working for these things along the line perhaps of your municipal research bureau in the city of New York, only departmentized more, going out and ramifying its investigations into various departments, we will then bring our influence to bear in accomplishing those things we desire.

We have proceeded far enough in municipal work at the present time to standardize certain things. Probably one of our greatest lacks in our service of cities is the purchase of supplies. In New York a certain line of supplies will cost you a certain thing; in Philadelphia another price; investigation will show between the high prices paid in New York for certain things and the lowest price paid in another community there is a very wide difference. Why that difference? After you standardize a price at which those things can be purchased and after you get a standard through your municipal organization, gentlemen, then comes along your municipal voters' league which recommends for election on behalf of the people the candidates who pledge themselves to maintain and to pattern their service on behalf of the people after these standards have been set up. [Applause.]

THE CHAIRMAN: Mr. Alden Freeman, a militant citizen of East Orange, is unable to be with us today but he makes the following contribution which he calls Victory in Defeat: the Value of Non-Partisan Movements in Municipal Campaigns.

MR. FREEMAN: "The country is full of winners; what we need is the good loser."—Lincoln Steffens. In East Orange on November 3 we failed for the fifth time to elect our independent candidate for mayor; but I am one of those who believe that no honest effort is ever wasted and that sincerity of purpose is bound to produce good results; hence I never feel discouraged or disheartened because few or sometimes none of our candidates are elected in these non-partisan campaigns that have been carried on in our city for the past dozen years.

Whatever our platforms contain that is of really practical benefit to the city will be carried out, because those in office know very well, if they don't carry out these reforms, that at the next election the citizens will elect the men who propose the reforms. Among such measures that have already been carried out I may mention the sprinkling of all the streets by the municipality and stated salaries for aldermen in place of fees for meetings without limit.

**Ideas Carried
Out by
Opponents**

The few candidates that we have from time to time succeeded in electing have without exception made good. One of these men installed an up-to-date system of audit of the city's accounts; another codified the rules of the police department, reformed the method of issuing city bonds and provided for their proper advertising and sale; a third installed and managed with success our million-dollar water plant, inaugurated an unique plan of municipal farming for supplying fodder for the horses in the fire, road and sewer departments, and established the tree-planting commission; while a fourth conducted courses of free lectures for adults in the public schools during his term as school commissioner.

**Work Carried
Out by Our
Candidates**

Our campaign in 1902 resulted in a saving of several hundred thousand dollars in the price paid by the city to the water company for its pipe system. We now have greater publicity in every department of our municipal affairs and a courteous hearing for citizens as a scheduled part of the proceedings at every meeting of the city council. This is a distinct advance over the days of 1902, when citizens and taxpayers were not permitted to speak in opposition to the granting of perpetual franchises to trolley companies.

No matter how excellent the reformer's ideas, if they are only advocated through letters to the newspapers, or by papers read to gatherings of men and women of like opinions, they influence the practical politician not a bit; but let the reformer get into the political field and win votes for his measures, then the politicians begin to take notice.

It is the votes that count, whether you have a majority or not. Your oldtime politician knows how few votes it takes to change a minority into a majority. The real triumph of the reformer is to see his ideas carried out by his opponents, for that is real progress. When the practical man, long in public office, carries out the new ideas, actual progress is made; for that is the conversion of your opponent, who always wants to get on the popular side and he will not so readily recede from a position once taken as the less conservative reformer.

I find also that local non-partisan campaigning often has a strong effect on larger political struggles outside the municipality. In 1902 the turning down of the friendly advances made to the Citizens Union of East Orange by the county boss of the dominant party largely contributed to his defeat as the candidate for sheriff; he being the only candidate of his party defeated and falling 13,000 behind the rest of his ticket.

Effects Outside of the Municipality

It was before our non-partisan organization that the first of our independent candidates for mayor, the late Henry H. Hall, sounded the keynote of the anti-corporation fight in New Jersey. Over six years ago, on October 18, 1902, Mr. Hall made his notable address on "Domination of Corporations through Control of Party Machinery," in which he described his examination, in the course of his own business affairs, of the re-organization of a public utilities company and his discovery of the assignment of stock to leading Democratic and Republican officials in the city where the business was conducted, as well as to prominent national politicians. Mr. Hall asserted that the corporations which had dealings with the city government of East Orange had actually dictated appointments in the cabinet of the president of the United States; that they had made a vice-president of the United States; had named a United States Senator and various governors of New Jersey; in fact that they "dictated policies at Trenton and influenced them at Washington." These statements, which were included in an ardent appeal for the entire separation of municipal from county, State and national politics, caused his hearers to sit up and take notice. Mr. Hall's statements were confirmed three years later by Charles E. Hughes in the insurance investigation in New York State and, if further proof was needed of corporation interference in our government, it has been abundantly furnished by Mr. Hearst in the recent campaign.

It takes time for great reforms to work out, and it was nearly three years after Henry Hall's initial speech before Everett Colby threw down the gauntlet to the Public Service Corporation of New Jersey in the same hall before a meeting of the same organization presided over by Mr. Hall, who in the interval had been chosen president of the Citizens Union. It was in his address on "The Grasp of the Cor-

Activity of Corporations in Politics

Origin of the Colby Movement

porations" that Mr. Colby opened his campaign for the state senatorship in opposition to the bosses and in defiance of the corporations, and here in Commonwealth Hall, East Orange, on March 1, 1905, he inaugurated what has since been known throughout New Jersey as the Colby Movement.

So again I say that although we never elected Henry Hall to any public office, his honest effort for political betterment can in no sense be

Successful regarded as a failure. These "lone fighters" in independent and non-partisan campaigns are pioneers and
Though pathfinders, and their guerrilla warfare is like that of
Defeated the farmers along the Lexington and Concord Road; but they likewise fire shots that echo 'round the world, although the sharpshooters themselves, like those of 1775, go down to unknown graves without a regret or one thought of self, for these are the men who fight for a cause and not for glory.

There is still another consideration in connection with non-partisan and independent campaigns that should not be overlooked. There is no telling how many things they prevent by reason of the public interest created by them in municipal affairs. The publicity of the campaign, the calcium light cast upon the city hall and the doings of its various inmates, make even the most strongly entrenched machine politicians think twice before engaging in schemes opposed to the general interest.

Finally, I regard these campaigns as especially valuable in educating those who take part in them. The political reformer gets an insight into

Education practical politics that will convince him that the end
of the does not justify the means; that compromise with
Workers wrong or injustice is fatal to a cause; he will cease to be a respecter of persons; only what a man is, and not what he *has*, will count with him, and he comes at

last to realize that no office or public honor, however exalted, can possibly in any way dignify any man, and that service in behalf of his fellow-men can alone shed luster upon any public position.

The independent in politics is pretty certain also to realize, after he has studied the conditions of life among the actual producers of wealth, that there can never be a "square deal" under the profit system; for where one man makes a profit out of another man's labor, the man who enjoys the profit gets something for nothing at the expense of the other, which is essentially of the nature of gambling and opposed to justice and square dealing. As there can be no square deal between an armed man and an unarmed man, so there can be no square deal between the man armed with the unearned increment of capital and the man whose only weapon is the labor of his hand or brain.

And this brings us to the conclusion that if it be true that the laborer is worthy of his hire, then it follows, as the night the day, that the laborer is entitled to his *full* hire, which is nothing less than the full product of his labor, else must he share with someone else who does not toil; and

this brings us finally to that stern doctrine which I believe will prove to be the chief stone of the corner of the coöperative commonwealth toward which we are moving throughout the world; *that he who will not work SHALL NOT EAT*. This doctrine applies with equal force to both extremes of our present social life and places in the same category the hobo and the spendthrift.

THE PRESIDENT: *Ladies and Gentlemen:* I regret to say that the session this morning, which has been so exceedingly interesting to the speakers—I mean to the audience [laughter] and so edifying and improving to all of us, must now draw to a close. I believe that we meet again in this room at two-thirty this afternoon, at which time the further work of the League will be continued along the same lines of general disagreement which have marked its course this morning. The meeting now stands adjourned.

The convention then adjourned until 2:30 p.m.

WEDNESDAY AFTERNOON SESSION.

Wednesday, November 18, 1908, 2.30 p.m.

The sixth session of the Convention was called to order by Mayor George W. Guthrie of Pittsburgh, Fifth Vice-President of the League.

THE CHAIRMAN: The first paper on the program for this afternoon is "The Municipal Library as an Investment," by Dr. Charles McCarthy of the Legislative Reference Bureau of Madison, Wisconsin. This paper will be printed (see Appendix) in the proceedings, and we shall now listen to a discussion of it by Dr. Horace E. Flack, who has so successfully organized the Baltimore bureau.

See Appendix for Dr. Flack's paper, entitled "Municipal Reference Libraries."

THE CHAIRMAN: The next paper to be presented this afternoon is one on "The Washington Situation." In this paper Mr. Reynolds, whose prominence in municipal and public movements is well known, will give us the benefit of the research made by him in the capital city under the direction of and at the request of the President. I have the honor to introduce James B. Reynolds, Esq.

Mr. Reynolds then read his paper on "The Washington Situation." (See Appendix.)

A DELEGATE: May I ask Mr. Reynolds a question? Whether the governor once appointed shall serve during life or good behavior or will he have a term?

MR. REYNOLDS: Probably the same term as the present district commissioners, four years, to correspond with the term of the chief executive

of the nation who appoints him. Personally I was very much surprised on the other side with the success of having a term so long as twelve years in Berlin. In a conversation I had with the mayor of that city, he explained to me the careful plan he outlined for the normal period he would have and the chance he would have to see the realization of his best endeavors, as very few reform mayors in our city ever have a chance. But I do not think that any one here could make a recommendation for such a long term as twelve years with any hope of having it adopted.

THE CHAIRMAN: The next paper on the program is "Ten Years of Uniform Municipal Reporting," by Hon. LeGrand Powers, Census Bureau, Washington, and Harvey S. Chase, Boston. I have the pleasure of presenting to you Mr. Powers. [Applause.]

Dr. Powers then presented his paper. (See Appendix.)

PRESIDENT BONAPARTE (who in the meantime had assumed the chair): I regret to say that as announced this morning Mr. Chase is unable to be present and read the supplementary paper which was to have accompanied the one to which we have already listened with so much interest, and I have no doubt with so much edification. We will now hear a paper on the Bureau of Municipal Research which has been prepared by Dr. William H. Allen of New York, and will be read by Mr. Rufus E. Miles, his first assistant.

MR. WOODRUFF: Mr. Chase is only prevented from being here by his doctor's orders. He is in bed and unable to get up. His paper will be printed in the Proceedings. (See Appendix.)

MR. RUFUS E. MILES: Were it not, Mr. Chairman, that I believe most of us can stand a great deal of a good thing I should be tempted to believe that the presentation of the case for municipal research this afternoon is somewhat unnecessary from the fact that in every meeting of this conference which I have attended I have heard one or more speakers preaching excellent municipal research doctrine. But in those cases it did not bear the particular label; so I am here to present similar doctrine under the label.

It was some years ago that the well known pronouncement of James Bryce came forth that municipal government was America's most conspicuous failure. But to those who have been watching the trend of

**Mr. Bryce's
Dictum**

events and have been attending such meetings as these for the last few years, it is increasingly clear that a tide is rising which will, we hope, soon make Mr. Bryce's dictum obsolete. Some efforts at municipal reform remind one of the experience of a prisoner in a penitentiary in a neighboring state. He was an intelligent fellow and soon gained the position of trusty. In the course of his duties the architect's plans of the institution came into his custody. They indicated under a certain

obscure corner of the prison yard a three foot sewer with a full-sized opening, apparently unguarded; so he determined to make a try for it. For some weeks he dug and dug, and finally got down to the opening. When he examined the opening, he found that instead of being a three-foot sewer it was only a foot and a half; so he stayed inside with a curse for the grafters who were still on the outside. Now municipal reformers who don't have accurate, definite information always stay on the inside. If municipal research had had anything to do with that particular place the architect's plans would have told the truth and there would have been a three-foot opening. You may say that that is of questionable value under the circumstances. I hasten to rejoin that municipal research would have seen either that the opening was properly protected by a grating or else that the plans never came into the possession of the prisoner.

The Bureau of Municipal Research would be the last to insist that it has any panacea for municipal mismanagement. It does say, however, in common with a great many other agencies, that the way to begin is to secure the fullest, most adequate, most definite information. You ask what is new about **Municipal Research Demands Facts** that. Well, there isn't anything particularly new about it except the fact that it has never been done. As the Boston divine said about Christianity, it has never failed because it never has been thoroughly tried. I suppose the nineteenth century must count among its greatest achievements the expansion of natural science through the adoption of what we have now come to call the scientific method. The scientific method is nothing more than the careful, systematic, painstaking inquiry into facts, which is the same method that municipal research is trying to apply to the problems of municipal government.

This method has already been applied to some extent in the conduct of elections. For some years we have had municipal voters' leagues, citizens' unions, municipal associations, good government associations, whose main object has been to apply the principle of full, definite information to the election of officials; and there is no question but that that process has raised the standard of public officials to a great extent. It is noticeable, however, that among such associations, those that have prospered the most, those which have made the greatest impression upon the localities, are those which have not been content simply to wait until election time and then say, "Mr. So-and-So, the candidate for such-and-such an office, has voted for such-and-such measures and has refused to vote for such-and-such other measures." On the contrary it has been associations which have formulated some sort of constructive program that have made the greatest success.

Now we submit that the question of where public money goes is as important a question as the question of electing officials. If a department gets more than it needs, then there is municipal waste. If on the other hand an efficient official receives funds which are not ade-

quate to support the service which he believes the city should receive and which the city really demands, then the municipal service is going to be crippled. Nevertheless, I will venture to say that if we could put the question to any well informed audience of business men, such as for example a meeting of the chamber of commerce in this or any other city, not 10 per cent of those present at such meetings could describe correctly the way in which appropriations are made annually for city departments. And yet the budget means efficiency or inefficiency in those departments during the coming year.

I want to give you in a word or two what has happened in New York in connection with the annual budget. Three years ago there were three people, if I remember correctly, who appeared before the Board of Estimate and Apportionment at what is known in the charter as the taxpayers' hearing.

Taxpayers' Hearing

Nobody ever took advantage of it, and the board of estimate did not expect anybody to appear with any valuable information; consequently it was purely a perfunctory matter. This year the room was crowded to the doors. There were far more citizens who wanted to be heard than could be heard, and as the result of hearings and of the conferences following those hearings the tentative budget for this year for New York City instead of being one hundred and sixty millions or thereabouts, as was at first proposed was cut to one hundred and fifty-six millions, a small saving perhaps, but still more than one-third enough to meet the expenses of the city of Pittsburgh for next year. And how was that result arrived at? It was arrived at by applying the processes of inquiry as to what departments needed. If a department head requested an increase of 50 per cent in a pay-roll, inquiry was made as to the basis of facts on which he could claim such an increase. Perhaps, as actually happened, evidence is immediately at hand to show that during the last year he wasted in that pay-roll 40 per cent of the money that he received. Now the application of this principle of demanding the evidence may increase or it may decrease the total amount, but that result is immaterial. I believe, and I think you believe, that citizens of this or any other city are perfectly willing to pay the taxes for whatever necessary service they believe they are actually getting. What they don't want to do, is to pay for service that they are not getting or pay for unnecessary service.

I could pick out at random a good many different branches of city administration to which this general principle has been applied. I think perhaps it would prove most interesting to you if I touch upon a few of them in a brief way to indicate the different applications of this one principle of finding out the facts and of formulating some kind of constructive program. The first one to which I should like to allude deals with the problem which Dr. Powers has already discussed, namely

Functional Accounting

the question of functional accounting. We are in hearty sympathy with the views which he has expressed, and it is those principles which we are trying to work out locally in New York City. In one of the city departments, for example, there was an appropriation which read every year "Salaries of Executive Officials, Clerks, Inspectors and Other Employees," called popularly "The Main Roll." As a matter of fact it included nearly every kind of employee that the department contained, and constituted two-thirds of the salary appropriation of that department. That situation has now been changed so that the salaries of each division of the work appear separately and furnish the basis for current reports which enable the officials of the department to see how the work is being carried out and what resources are at their command for the remainder of the year. It is on account of such a functional arrangement that this year, for example, the officers of the department of health were enabled to look over their financial statement and see that by letting go a large number of inspectors for two months in the summer and employing a large number of nurses they could establish a service on a new and larger scale to cope with the problem of infant mortality in the summer. Nearly one hundred nurses were added who went throughout New York instructing mothers in the care and feeding of their babies. As a result the death rate decreased very substantially in some of the wards. The experience demonstrated very clearly what could be done if the service were put on an all-the-year-round basis, as the board of health is now requesting the money to do. That is one instance of the way in which functional accounting (although it may have a somewhat formidable and technical sound) helps to establish control over administration resulting in greater efficiency.

The department of health has, on the basis of an investigation by the Bureau of Municipal Research established a new division of child hygiene which I am sure will prove a most important advance

Child Hygiene in preventive medicine. By the combination of various lines of work, such as the medical inspection of school children, the summer care of babies, the inspection of children who are applying for working papers, and the supervision of midwifery, into one bureau, the department has obtained an administrative economy which is enabling it to produce some very successful results.

Here is a report on the city debt of New York. It contains a table raising some twenty-five or thirty questions about the city debt of New York which have never yet been decided. If decided in one direction the city's borrowing capacity would be increased upwards of fifty million dollars; if decided the other way the city has exceeded at the present time its borrowing capacity by something like sixty or seventy million dollars. This illustrates the result which you get when you apply this method of inquiry.

The Bureau of Municipal Research has encountered a willingness on the part of city officials to coöperate with it. It, on its part, is always anxious to coöperate with the city officials. It never seeks in the first

instance to antagonize any city official or to put him out of office. The Bureau wishes to place its services at the disposal of city officials in order to render their administration as effective as possible. It is clear enough that all city officials who sincerely desire to make their department effective will welcome such coöperation. Those who are running their departments for other objects generally prefer not to say so. They generally prefer to assume that they can cover up whatever they wish

Coöperation of Officials

to cover up and to put on the attitude of welcoming coöperation. So it is rarely if ever that such a program meets with any open opposition on the part of the city officials. Here is a letter from a city official:

"The office of the commissioner of accounts, at the direction of his honor the mayor, is about to inaugurate a comprehensive study of the organization in administrative methods of bureau offices and city departments, with a view to establishing a basis for regular periodical audits of every branch of the municipal government. It would be of great assistance to this office if by this study and examination we were to have the active coöperation of the bureau of municipal research."

We feel that the common remedy proposed for municipal mismanagement, namely the election of good officials, is defective in two particulars. It is defective for the reason that the good official when he is elected, no matter how good he may be, cannot produce results without a business-like, effective method. If a man familiar with all the methods of corporate control were elected mayor of almost any American city, he would be unable to give effective administration, for the reason that he would not have the machinery of accounting, of statistics, and the general machinery of control which goes with the best corporation management of today. Good officials must have at their disposal the best and most effective tools in the way of administration. In the second place it is very frequently the case that reform administrations do not get reflected, and there is then no assurance of the continuance of the benefits of their régime. Municipal research aims to supply the most effective administrative machinery, and to keep it in operation all the time.

The program of municipal research seems to us simply to come to this, that democracy in so far as it has not made good yet, has not made good because it has not been quite thorough. It has got to give more time, more energy, more effort to producing effective results. There are a number of men that you can mention who have given twenty-five or thirty-five of the best years of their life to getting control of the machine of their city. Now just as soon as there are other men who will give twenty-five or thirty-five of the best years of their life to establishing control over that city in the interests of 100 per cent of the citizens, then we shall have effective municipal government, and not until then. [Applause.]

THE SECRETARY: Dr. Allen has sent the following abstract which gives in concise form his ideas of municipal research:

Abstract of address by William H. Allen, Secretary of the Bureau of Municipal Research, on the Municipal Research Idea, read by title.

Municipal research is a method, not an idea. It proposes fact tests for officials and result tests for remedies. It will be needed by municipality and state, county and city, until men can see without light and work together without creating inequality, sickness, incapacity and injustice.

New York's test of municipal research has proved that the Lake Itasca of Graftland is neither politics nor corrupt motive, but ignorance of community acts and community needs; that inequality of knowledge precedes monopoly of opportunity; that public intelligence is more effective than public opinion; that graft and inefficiency fear light more than ballots; that more can be done for good government on budget day than on election day; that Tammany alive and harnessed to constructive, educative work is better than Tammany dead, and infinitely easier to conceive.

The greatest menace to American institutions is not immigration, lack of education, private monopoly of public utilities, nor the indifference of the best citizens, but a manner of conducting public business which fails to keep citizens currently informed as to official acts.

Municipal research says that society should equip itself to know as it goes along what its needs are and where it fails to meet them. A pastor ignorant of community needs and official acts can do more harm than a bartender; a continuing ray of light can do more good than a moral explosion. When facts cannot be disputed, issues cannot be confused. Before an audience, alleged bad men perform just about the same acts as so-called good men. We must prevent officials from ever getting away from an audience. Democracy's supreme need is not for an aroused public conscience, but for an open public eye.

Money enough is being spent by American cities to secure efficient government. Inefficient government causes more corruption, sickness, dependency and delinquency than any other anti-social factor. Inefficiency of government is primarily due to badness of methods rather than to badness of men. Efforts to correct misgovernment have too frequently failed, or have had only passing success, because men not methods were changed or attacked. Continuing knowledge of acts is infinitely more effective than election excitement. Public interest in so-called good government must be sustained, not by scandal regarding personalities, but by reiteration of facts as to acts committed and community needs not met. City employees and city funds should work with such methods that they will themselves reiterate the truth regarding work done and money spent, and work not done that ought to be done.

Municipal research offers no cure-all or patent remedy for misgovernment. On the contrary it believes that no power outside the taxpayer's

mind can overcome the forces that cause bad government. Accounting reforms, model charters, government by commission, the initiative, referendum and recall will be but instruments of evil if taxpayers are not informed currently about official acts. Good government can never be established on citizenship uninformed as to government acts.

Misgovernment of township, county and small city differs from misgovernment of great cities in degree rather than in kind. The difference between the city and the country is not that one is vicious and one is moral but that the city dare not and cannot hide its evils. The same congestion that creates wretchedness also creates understanding and fellowship. Evils which only coöperation will cure show the way to benefits more difficult to achieve where common needs and common acts are neither numerous nor obvious. The most sordid corruption has been disclosed in country districts. Farmers still allow unsanitary conditions that have not existed in New York for fifty years. Rural legislators have obstructed more reforms than they have initiated. Country as well as city must learn to regard government as a sequence of acts rather than a sequence of personalities.

What municipal research would do for Pittsburgh may be illustrated from two methods now being used to educate its citizens, two kinds of research that every community must be taught to do for itself, the Pittsburgh Survey and the Civic Exhibit. Working and living conditions have been surveyed and photographed, and Pittsburgh is given a view of more social evils at one time than was ever before enjoyed by any American city. Yet one factor has not been surveyed nor exhibited, and that the only factor which acts with the momentum of 100 per cent of the population of Pittsburgh, the only condition and the only machine that does harm or good in the name of all citizens. This unsurveyed, unexhibited factor is the government of Pittsburgh. That government if inefficient can cause more wretchedness in one year than private benevolence will assuage in a generation; it can do more in a decade to improve physical and moral conditions in Pittsburgh than can private philanthropy in a half century. Neither Pittsburgh nor any other American city can know the whole story of her needs and her opportunities until she knows her government, and until she insures government methods and habits that bring into the full light of day official acts and community needs.

In three short years, the Bureau of Municipal Research has secured for New York City budget estimates that tell clearly for what purposes money is requested; budget conditions making impossible diversion of funds from purposes mentioned in the budget to other purposes without special authority; conditions that make impossible without public knowledge and special authority the exceeding in any one month one-twelfth of the amount appropriated in the budget for a year; uniform systems of accounting and of service records with periodic summaries for all departments to describe money spent when spent and work done when done; reorganization from

top to bottom of the department of finance so that expenditures, revenues and service rendered shall be currently audited, controlled and reported; reorganization of the commissioners of accounts' office, previously a whitewashing body, so that now it is equipped to provide efficient and continuing audit and examination of departments. Reorganization has followed important reports on the administration of the park and health departments, control of water revenues, purchase of real estate by the city, tenement house administration. In spite of the fact that removal and even criminal prosecution in several instances has followed the publication of facts, the Bureau has from the outset had the active coöperation of city officials, practically without exception. It was asked by the mayor and comptroller to sit with the committee that prepared the tentative budget for 1909. Its coöperation has been invited by the joint legislative committee on city finances to determine the city's present indebtedness, by the police commissioner to investigate his supply bureau, and by numerous department heads wishing to settle controversies by the determination and publication of facts. For the charter revision commission it charted the functions and organization of the city.

When public transactions are forced into the light, "good motives" are strengthened and "bad motives" are weakened, thus making the informed sentiment of even the minority effective in preventing inefficiency and corruption. The Bureau's experience justifies the contention that the best government is one which by publicity makes possible good government through the kind of man that human nature and politics force into leadership. The recent Budget Exhibit, visited by over 60,000 taxpayers, was welcomed by officials, whether desiring to make known the needs of their departments or anxious for moral support against the importunities of those who wish through the budget to authorize padded payrolls and illegitimate profits.

Philadelphia, Memphis, Atlanta, Cincinnati, Cleveland, Seattle and other cities have asked the Bureau to help them improve their methods of government by emphasizing methods not men, acts not personalities. A national foundation or a ten year guarantee is needed for training men and setting up scientific standards for coöperation of informed citizens with officials.

THE CHAIRMAN: It is extremely gratifying to the National Municipal League to see this wonderful development in recent years of the application of the principles that we have been advocating since our origin. The principle of proper municipal accounting will enable us intelligently to carry on municipal government. We shall now listen to a paper by Prof. John A. Fairlie of the University of Michigan on another phase of the work of this league, "Charter Tendencies in Recent Years," as bearing upon the principles in that respect advocated by the National Municipal League. Professor Fairlie. [Applause.]

THE CHAIRMAN: That is the last formal paper to be presented. It is now a quarter past five. For a few moments if any one would like to discuss briefly any of the points in the paper I think we could wait. If there be no desire on the part of any one to discuss any points in the paper I call your attention to this evening's program when the annual address of our president will be given in Carnegie Music Hall near the Schenley Hotel.

The conference then adjourned until eight p.m.

WEDNESDAY EVENING SESSION.

Wednesday Evening, November 18, 1908, 8 p.m.

A large audience gathered in Carnegie Music Hall where the eighth session of the Conference was held.

The meeting was called to order by Mr. J. Horace McFarland, a member of the Executive Committee and President of the American Civic Association.

MR. MCFARLAND: You are advised that the entire building is open to you. This includes the museum, the hall of sculpture and painting, the hall of architecture and the new mural paintings by Mr. John W. Alexander recently put in place. Your attention is very particularly called to the Civic Exhibit, included in which is the Pittsburgh Survey, shown on the third floor of this building.

When you realize that the only reason you now live, move and have your being in the city of Pittsburgh is because you have been using the natural resources, the conservation of which will mean the continuance of your prosperity, you will, I think, see the desirability so far as is convenient of attending upon these presentations, upon the subject matter by men of national renown whose lives are given up to the work. This evening we are to have first an address by your honored mayor, Hon. George W. Guthrie, on "Some Fundamental Needs in Pennsylvania." I have the honor of presenting Mr. Guthrie. [Applause.]

For Mayor Guthrie's address, see the Appendix.

THE CHAIRMAN: Of these words of wisdom every city in Pennsylvania and almost every city in the United States, may well avail itself. Thus having heard from your own city, and from a man who lives what he preaches and does what he promises, let us have the national view in constructive statesmanship, such as will be given us in the annual address of the president of the National Municipal League, the Attorney-General of the United States, as given us by Hon. Charles J. Bonaparte, under the title "Criminal Law as an Instrument to give Effect to the People's Will." [Applause.]

President Bonaparte's address is given in the Appendix.

THURSDAY MORNING SESSION.

Thursday, November 19, 1908

The ninth session of the Conference was called to order by Judge Henry L. McCune of Kansas City, Third Vice-President of the League.

THE CHAIRMAN: We have for consideration and discussion this morning the very important topic of the "Control of Public Utilities." We shall have the benefit of the consideration of the subject by three gentlemen who perhaps will present it from different viewpoints, at least from different localities. The first speaker will be Dr. B. H. Meyer, who is especially qualified to speak by reason of his connection with the Wisconsin Commission. Dr. Meyer. [Applause.]

Dr. Meyer then read his paper. (See Appendix.)

THE CHAIRMAN: Dr. Meyer has given us a very instructive and interesting exposition of the Wisconsin law.

We are also fortunate this morning in having with us a member of the New York Commission which has jurisdiction in the state outside of the city of New York in the person of the next speaker, Hon. Thomas M. Osborne, former mayor of the city of Auburn. [Applause.]

Mr. Osborne then delivered an address, which is printed in full in the Appendix.

THE CHAIRMAN: Mr. Osborne has given us a very interesting statement of the strong features as well as the weaknesses of the New York law. Now, with this explanation of the Wisconsin law and of the New York law the discussion will be continued by a paper by Mr. Joseph B. Eastman, Boston, Secretary of the Public Franchise League of Boston, who will present "The Massachusetts Idea." [Applause.]

MR. JOSEPH B. EASTMAN: Mr. Chairman, I regret very much that no man who is a commissioner is here today to represent the State of Massachusetts, but unfortunately we have three boards there who have absolutely distinct fields and no man holding an official position would care to speak for all three boards. So I shall therefore attempt to consider the work of these commissions from the standpoint of an outsider who has an opportunity to see results, but who is not so well acquainted with the machines by which those results are obtained.

Mr. Eastman then read his paper, which is printed in the Appendix.

THE CHAIRMAN: I regret that no time remains for a discussion of these excellent papers, valuable as such a discussion would no doubt prove to be. This is the closing session of the League. Is there any business to be presented before we adjourn?

MR. JOHN C. WINSTON: Mr. Chairman, at the close of the last annual meeting of the League in Providence, Mr. Oliver McClintock in offering a very appropriate resolution, with his characteristic modesty expressed a hope that if it should ever fall to the fortune of Pittsburgh to entertain the League it might be able in some degree to imitate the hospitality and

**Mr. Mc-
Clintock's
Ambition**

courtesies which the League had received from the citizens of Providence. I am sure that those of us who have been able to attend this convention are all agreed that we have realized to the fullest measure the aspirations of Mr. McClintock as expressed at that time, and it is therefore not in any formal spirit, but as an inadequate expression of what I am sure we all feel, that I offer the following resolution which with your permission I will read.

The National Municipal League takes unusual pleasure in acknowledging the gracious and kind hospitality extended to it by the mayor and citizens of Pittsburgh; by the Chamber of Commerce; the Pittsburgh Board of Trade; the Civic Club of Allegheny County; the Lawrenceville Board of Trade; the Northside Chamber of Commerce; the Hotel Men's Association; the Voters' League of Pittsburgh; the Northside Board of Trade; the Homewood Board of Trade; the Bloomfield Board of Trade; the Oakland Board of Trade; the Allegheny County Medical Society; the Duquesne Club and the University Club.

The interest of the people as manifested in their attendance; the courtesy and oversight of the Chamber of Commerce and the indefatigable labors of its officials, and especially the unwearied attention of Mr. Oliver McClintock, the Acting Chairman of the Committee on Arrangements, call for particular mention, as also the intelligent support of the press, both in connection with the Convention and with its preliminary notices in regard to it.

Special mention is to be made of the coöperation of our Pittsburgh hosts in making the First Civic Exhibit a striking success, and the thanks of the League are especially tendered in this connection not only to the Committee on Arrangements, but to the Trustees of the Carnegie Institute for their courtesy in placing their splendid Galleries at the service of the exhibit.

In reluctantly taking leave of Pittsburgh, we indulge the hope and the belief that the great energy and high intelligence for which it has so long been conspicuous, will rapidly establish a record of civic progress and development which will be an example to every city in this country.

THE CHAIRMAN: You have heard the resolution. Is there a discussion. Those in favor of the adoption of this resolution will kindly rise.

The resolutions were carried unanimously by a rising vote, and the Convention thereupon adjourned *sine die*.

THURSDAY AFTERNOON SESSION.

Thursday, November 19, 1908, 1 p.m.

The organization and functions of the city club, as the embodiment of effort for civic uplift, was discussed at an informal conference on Thursday afternoon, Walter L. Fisher, Esq., president of the Chicago City Club, presiding. Representatives of the city clubs of Chicago, New York, Boston, Philadelphia, Cincinnati, and of other civic organizations, discussed the way in which their organizations had become factors for civic righteousness.

The conference finally resolved itself into a discussion as to whether the functions of the city club should be confined to round table discussions of questions of civic interest, and to giving opportunity for the unhindered presentation of all sides of any problem under consideration, or whether the city club should take an active part in the prosecution of constructive civic work. The representatives of the Boston, Philadelphia and Cincinnati clubs supported the former policy, urging that the club should be the common meeting place for all classes and every interest, where every standpoint might be presented without fear or prejudice. These representatives indicated their belief that as soon as an organization takes a stand on any question of public interest, the likelihood of its being a medium for the free presentation and discussion of opposing interests is lessened. On the other hand representatives of the New York and Chicago city clubs, and of several other organizations, expressed the belief that the club should crystallize the sentiments which result from its discussions, and that it should give concrete expression to these sentiments in active service.

It was further urged that the city club gives opportunity for the coöperation of all the reform elements of the community in prosecuting an advanced civic program, untrammelled by the inertia and conservatism of the ordinary civic organization. Differing somewhat from this view point, the representatives of the Cleveland and Pittsburg Chambers of Commerce, with the support of several city club representatives, expressed the conviction that the commercial organization, with a definite civic program, which correlates all the civic efforts in the community, gains in real accomplishment through its prestige and influence more than it loses through the existence of any possible conservative element.

All the conferees seemed agreed as to the essential importance in the community of an organization which brings together and coördinates all the influences which make for better government and higher living.

THE CIVIC EXHIBIT.

One of the most striking features of the Pittsburg meetings was the Civic Exhibit prepared under the auspices of the Citizens' Reception and Entertainment Committee of Pittsburg, in connection with the sessions

of the National Municipal League and American Civic Association. Perhaps the best way to describe the exhibit would be to reproduce the descriptive circular prepared by the managing director, Dr. Benjamin C. Marsh, and so we herewith reproduce it:

THE FIRST CIVIC EXHIBIT IN CONNECTION WITH THE NATIONAL MUNICIPAL LEAGUE AND THE AMERICAN CIVIC ASSOCIATION UNDER THE AUSPICES OF THE CITIZENS RECEPTION AND ENTERTAINMENT COMMITTEE HELD IN THE CARNEGIE ART GALLERIES, PITTSBURGH, NOVEMBER 16 TO 19, 1908 (OPEN FROM 10 A.M. TO 10 P.M.)

AN ILLUSTRATED UNIVERSITY COURSE FOR AMERICAN CITIZENS

Officers: George W. Guthrie, Chairman; Oliver McClintock, 1st Vice-President; A. Leo Weil, 2d Vice-President; George L. Cruikshank, 3d Vice-President; Wm. M. Kennedy, Treasurer; Logan McKee, Secretary.

Exhibit Committee: Colbert A. MacClure, Chairman; T. E. Billquist, Henry Hornblower, F. A. Russell, Richard Keihnal, Benno Janssen.

"AN OUNCE OF SIGHT IS WORTH A TON OF PRINT."
AND IT IS EASIER AND QUICKER TO LEARN BY SEEING.

The National Municipal League and the American Civic Association add this year a program of visualization on the following all important Civic Problems:

1. Industries and Industrial Conditions.
2. Public Health.
3. Municipal Government.
4. Congestion of Population.
5. Housing Conditions.
6. Transportation.
7. The Land System.
8. Town Planning.

Among the Organizations and Departments that will exhibit are:

The Pittsburgh Survey

Some of the results of a year's intensive study of conditions in Pittsburgh, under the direction of the National Publication Committee of Charities and the Commons, will be presented in graphic form, illustrating what every city should know about itself.

Coöperative housing in foreign cities will be exhibited as examples of what is feasible in Pittsburgh.

The Committee on Congestion of Population in New York

Which drew the attention of the country to the fact of congestion of population, offices, and factories, present their exhibit of convincing dia-

grams, charts, maps and photographs, and the most complete exhibit of town planning in the country.

The Bureau of Municipal Research of New York City, by their Budget Exhibits

Have just compelled the tax payers and tax spenders of the world's metropolis to study municipal efficiency.

Tax payers and tax spenders in American cities can learn much from this exhibit to which will be added a comparison of the Pittsburgh Municipal Budget.

The City Club of New York

At the Exhibit of Congestion of Population in New York focused public attention upon transportation as a means of distributing population, and their exhibit is vital to all cities which have passed the "town-meeting" stage.

The Pittsburgh Bureau of Health

Has made large gains in the last two years in milk inspection, removal of unsanitary vaults, housing inspection, and the fight against tuberculosis.

The Department of Public Works

Shows the operation of the new filtration works.

The Federation of Churches and Christian Organizations in New York

Has for thirteen years interpreted facts of density of population in their religious-social significance, and suggest this necessity for churches and civic effort.

The Associated Charities of Pittsburgh

Will exhibit models and charts showing how unsanitary conditions and lack of coöperation and organization make charity more costly for tax payers and contributors.

The Kingsley House Association

Will have an exhibit of work efficiently done by the association, showing some municipal activities which the city should conduct by taxation.

The Tuberculosis League of Pittsburgh

Will illustrate the relation between Bad Housing and Tuberculosis.

THE CIVIC CLUB OF ALLEGHENY COUNTY

The Pittsburgh Playground Association

Will present certain activities now supported by the city and conditions necessitating such work.

Pittsburgh Architects

Will have on exhibition selected designs of domestic architecture.

Landscape Architects and Town Planners

Will present plans, models, and photographs of mining and factory towns, and prove by what *has* been done, what *can* be done.

BENJAMIN C. MARSH,
Organising Director.

APPENDIX

**CONTAINING THE PAPERS READ BEFORE
THE PITTSBURGH CONFERENCE FOR
GOOD CITY GOVERNMENT**

The Criminal Law as a Means to Enforce the People's Will

HON. CHARLES J. BONAPARTE, Baltimore
President, National Municipal League

A candidate for the presidency, in his speech of acceptance, declared the issue of the late National election to be: "Shall the people rule?" As with many other sayings of men prominent in politics, these words have been since repeated on innumerable occasions, admiringly or with ridicule, according to the standpoint of the speaker or writer, but apparently very seldom with any clear consciousness of their meaning: to the spellbinders on either side, if not to its author, the phrase seems to have been a matter rather of sound than of sense. Nevertheless, the question is pertinent and of moment in our country: it implies at least a doubt whether our form of government, our institutions and our laws are such that the people's will is, in last resort, the decisive factor in all public problems; whether with us the people can do, at all times and everywhere, what the people may see fit to do.

In dealing with this question we must, of course, remember that when a sovereign is made up of an immense multitude of individuals the mere ascertainment and expression of that sovereign's will is necessarily a cumbrous and intricate process: if a man can say truthfully, with Louis XIV: "L'Etat c'est Moi," one finds out what is the nation's will, or, in other words, what is the law, by merely asking him; if his answer differs from what was said before by himself or by an earlier prince of like powers, the Nation has simply changed its mind, the old law has been amended or repealed. But when the office he holds is put in commission, and its powers are entrusted to thousands,

even to millions of citizens equal before the law, it takes time and effort and needs much complicated legal machinery to merely discover and publish what is the people's will, to formulate the law and, when needful, to change it.

Moreover, we must not forget that, ever since the days of the Three Tailors of Tooley Street, the query: "What is" or "Who are 'the People'?" has been matter of debate and often of dispute; and that, although it has received, for practical purposes, many different answers in different countries or at different times, the legal "people," that is to say that part of the community empowered by law to speak and act for the whole, has been always and everywhere a minority, indeed a decided minority of all the human beings subject to that "people's" will. In the most democratic communities the world has known, political power has ever been a trust and the legal rulers a minor fraction of the number ruled.

In my trespass on your attention this evening, I shall not trouble you with any discussion of either of the two topics lastly mentioned. Assuming that the people's will has been definitely and regularly expressed in the form of law, how may the people make sure that this will, as expressed, shall be obeyed? Or, in other words, how is the law to be enforced? For any fruitful consideration of this subject it must be further assumed that, in the first place, obedience to law is essential to the life of civilized society and, secondly, that, to assure such obedience, compulsion in some form is indispensable: passion or self-interest will always tempt and often persuade individuals to resist or evade rules ordained for the good of all.

Neglecting exceptional contingencies, it may be said that the forms of compulsion available to a community against its rebellious members are limited to four, namely (1) threats of supernatural penalties, (2) social degradation, (3) the exercise of military or *quasi* military force, and (4) punishment through the criminal law. Of these all four are constantly and extensively employed in all civilized countries at the present day, and it may be doubted whether civilization, as we know it,

could continue to exist were any one of them abandoned; but only the last two are within the sphere of political and legal action. The distinction between direct exercise of public force and the administration of criminal law appears to us so essential and so obvious that it sounds strange to say the latter is fundamentally a mere highly specialized development of one feature of the former. Before a policeman clubs a recalcitrant tough or an officer of militia orders his command to fire on a mob, each, as the representative of the community, must be satisfied that the prisoner is really resisting arrest or the rioters are in truth disturbing the public peace and threatening injury to persons or property. Before a murderer shall be hung or a burglar imprisoned officers empowered to that end must be satisfied that he is truly a murderer or a burglar. The question to be determined is, in both instances, the same, namely, whether the necessity has in fact arisen to treat certain individuals as public enemies, but while, in the one case, this is settled by simple inspection on the part of the executive, in the other the process of ascertaining the material facts has been with us expanded by ancient custom and many statutes into an elaborate and intricate system of jurisprudence, containing highly artificial rules of procedure and proof so as to furnish in itself a subject of study of no little difficulty.

What I have just said may seem to some open to criticism because the action of the supposed policeman or militia officer is, in purpose, preventive, while that of a criminal court is punitive; this distinction, however, is of the surface. Our policeman does not aim to so cripple his unruly captive that the latter really cannot struggle longer; if this happens, it is from accident or sheer necessity. What he has in mind is to teach the tough, through the persuasive object-lesson of a broken head, the un-wisdom of resistance to the law. So the colonel or captain who clears the street by a volley has no wish or purpose to make it physically impossible, through death or wounds, for all members of the mob he disperses to continue their disturbance of public order: he hopes, and usually with reason, that the unpleasant but wholesome spectacle of one rioter lying in his blood may bring back ninety-nine others to their senses and the obedience

of good citizens. On precisely the same principle, a man found guilty of crime is punished by fine or imprisonment or death that others tempted to commit a like crime may be strengthened to withstand the temptation, and likewise, in the first two contingencies, that he too may be the wiser another time, and, in the last, that he may be made harmless for the future.

The legitimate problems of the criminal law are therefore two: *first*, to find out when and by whom the people's will, that is to

say, the law, has been disobeyed; *second*, to so
The Problems deal with the one guilty of such disobedience
of the that others, and ordinarily himself as well, may
Criminal Law be taught to obey in future. As an instrument to
 these ends, I think American criminal law today

has very serious defects, in fact that, in a large measure, it fails of its purpose. A principal cause of this failure, to my mind, is its anxiety to guard against a danger which was once very serious, but has now become remote and almost chimerical: I mean the danger lest men really innocent be convicted of crime. Of all the many applications for pardon which I have had to consider since I held my present office, only an infinitesimal number, not more than perhaps a half dozen, have suggested any reasonable ground to even doubt the prisoner's guilt; and while, of course, a possibility of error must always attend any determination of the human mind, the risk that any man trying in good faith to obey the law shall be punished as a criminal is almost inconceivably small: I question whether it is one-hundredth part as great as the risk he runs of being killed or maimed by an automobile. Nevertheless, I would not have the law so changed as to remove any substantial safeguard of true innocence which it now affords; for, however slight the danger of unjust conviction may be in fact, this danger appeals so strongly to the imagination as to gravely affect human happiness: I would, however, see the law purged of various obsolete and obstructive rules of procedure or proof which, in practice, serve only to provide loopholes of escape for conscious and often brazen guilt.

For example, I think grand juries should not be abolished, for to a man of good repute, it may be a grave injury to be even formally accused of certain crimes, an injury which a sub-

sequent acquittal may by no means fully repair; and it may well be a wise precaution that twelve out of twenty-
Grand Juries three of his fellow citizens should say the charge against him is credible before he is called upon to face it. But the practice which has grown up in certain jurisdictions of minutely revising the action of grand juries, and quashing indictments because evidence technically inadmissible was submitted, or this or that comparatively trivial matter of form was inadvertently neglected before the grand jury, is, to my mind, both unreasonable and mischievous: such inquiries destroy the secrecy of the grand jury's proceedings and enable guilty men to delay, too often to defeat, their just conviction and merited punishment; they have no practical usefulness and should be everywhere forbidden by statute.

Again, no one would have a man once fairly and properly tried for a crime and either convicted or acquitted brought to trial again for the same offense: *interest rei publicae ut sit finis litium*, and no more fitting occasion could arise for the application of this wise and salutary maxim. But if the trial has been unfair or otherwise improper, whether through misconduct of the jury or error of the judge, it is the dictate of common sense that this miscarriage should be duly corrected and the man re-tried. This can be and is daily done when he has been convicted; but if he has been acquitted, no matter how erroneously and with what evident injustice, there is no remedy, because of an old and arbitrary rule against what is called "double jeopardy," a rule originating under circumstances utterly unlike those of today and which has been generally embodied in our Constitutions and statutes to the great profit of lawbreakers.

The common law of England, unlike most other systems of mediæval law, never sanctioned torture, whether of defendants or witnesses. In this the common law showed
The Common Law itself both wise and humane, for human experience has shown that the use of torture tends, not to secure but to hinder the discovery of the truth; but, by reason of the strong and reasonable repugnance thus fostered towards confessions and testimony extorted by physical pain, there grew up in England rules against admit-

ting in evidence confessions procured under highly conventional duress and against obliging prisoners to incriminate themselves, which rules in America have crystallized into numerous constitutional and statutory provisions, and these have been, in turn, so construed in some judicial decisions as to extend the prohibitions, in my judgment, beyond the bounds of reason and public policy: we have seen convictions set aside because juries were told of remarks by the prisoner made under no obvious compulsion and which contained no intelligible admission of guilt. One of the most enlightened changes made by modern statutes in the rules of evidence permits the accused to testify in his own behalf: this privilege is invaluable to an innocent man, and it is therefore simply impossible for a rational mind to avoid an unfavorable opinion as to the probable guilt of one who refuses to avail himself of it. Yet in the great majority of our States the statute law gravely requires this impossibility of a jury, and even obliges the court to so instruct them, while forbidding the public prosecutor to tell them what everybody knows they must think anyhow.

The foregoing criticisms are illustrative only: to comment fully on all those peculiarities of our modern criminal law which are helpful to "undesirable citizens" and harmful to the public would take more time than I can either give myself or ask, in reason, of you; but, in my view, its gravest and least excusable deficiency is found in its endless delays. A hotel thief recently attempted to rob an English traveler and the latter's wife at a New York hotel. He was captured by his intended victims and, as they were to sail for their home within some thirty-six hours, Dame Justice, for once, got a hustle on her. A single day saw the culprit committed, indicted, arraigned, tried, convicted and sentenced; and, as the English couple started down the harbor their new acquaintance started for Sing Sing. If this was done in one case, why cannot something like it be done in any case? Why need there be a foretaste of eternity between arrest and indictment, another between indictment and trial, yet another between trial and actual punishment? Partly because the Bench and professional opinion among the Bar tolerate all kinds of dilatory, frivolous and often ridiculous proceedings on the part

of unscrupulous counsel intended to cheat Justice of her plain due; partly because our law makers afford almost infinite facilities for review of judicial action to the criminal, although very stingy in allowing them to the Government; mainly because our laws show little sense of the value to society of a speedy administration of justice. We have small judicial districts, intermittent

**The Law's
Delays**

sessions of our criminal courts, judges sometimes overworked, sometimes indolent; prosecutors sometimes overburdened by their duties, sometimes politicians rather than lawyers. All this makes for delay, and all that makes for delay makes against the efficacy of the criminal law. When Richard III exclaimed: "Off with his head! So much for Buckingham!" not only Buckingham himself, but all who had ears to hear the words and eyes to see what followed them knew that the King meant business. When the people of an American State or the American Nation decrees death to whomsoever shall do thus or thus, and then lets the transgressor live for months and years while lawyers wrangle and juries disagree and judges reverse each other, there is room for doubt, and doubt in fact, whether the State or Nation does, in truth, mean business.

Mere lapse of time is, in itself, disastrous to that righteous anger which bodes ill to evil-doers. While the memory of a crime is yet fresh, while we see all the suffering it has caused and feel how base and wicked is the criminal, we have little patience with that morbid sympathy which would blunt the sword of Justice and rob punishment of its terrors. But when years have rolled by and offense and offenders are alike well-nigh forgotten, grave danger exists lest in the ever-present ocean of milk and water there be drowned our hatred of wrong-doing and our purpose to compel obedience to the people's will.

It may be that in this world or the one adjoining to the netherward one could find some criminal so odious and so noxious that none will ask for his pardon; but I, at least, know of none such. That sovereign punishes with double efficacy and triple certainty who punishes while the crime is rank and recent.

"Shall the people rule?" Yes, if and insofar as the people shall be in earnest in the wish and purpose to rule. If the people

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shall demand prompt and unquestioning obedience to the people's laws, and shall give to this demand an ample sanction in swift, sure and grievous retribution for all rebellious to those laws, the people's rule will be real. And to show this earnestness of purpose, to assure this genuine and lasting supremacy, the American people must thoroughly, rationally and honestly recast its criminal law.

American Municipal Tendencies

CLINTON ROGERS WOODRUFF, Philadelphia

Secretary, National Municipal League

In response to a recent inquiry, an intelligent and thoughtful correspondent in a middle Western capital replied in regard to the Merchants Association there, that it was founded about a dozen years ago primarily to promote excursions to benefit the retail trade. After that, it took up and organized a credit system, with ratings of customers; then interested itself in such matters as the suppression of the smallpox epidemic and the elevation of railroad tracks. Next it organized and built an independent system to heat and light the business portion of the city, in competition with the old company. Finally, however, it was stirred up by the revelation of outrageous frauds in city and county business, that had been brought to the surface by small and weak reform organizations, and this Association, backed as it is by great wealth and animated by a growing patriotic spirit, has undoubtedly become one of the foremost reform agencies in the state.

It has had a curious evolution. Six or eight years ago when a devoted handful of public-spirited men were spending their time and money to oust thieves from office and put honest men in, they were unable to do more than obtain patronizing smiles from the men composing the Merchants Association. Now, however, to quote my correspondent: "It has been baptized as by fire, and they are feeling the awakening of the public conscience and the sense of responsibility now prevailing in the United States."

The Missouri legislature, composed of many men who had been

stung into bitterness and vengefulness by the keen and well-merited criticisms of the Kansas City Civic League, passed a law requiring, among other things, that all leagues, committees, associations, and societies, formed for the purpose of investigating the character, fitness and qualification of candidates or nominees for public office, should state in full on what facts they based their report or recommendation *and give the names and addresses of all persons furnishing the information concerning such candidates or nominees; and moreover required them to state in full the information so furnished.*

This legislation was directed at the Kansas City League; but generally it had for its object the suppression of all such organizations as sought, like the Chicago Municipal Voters' League and kindred bodies, to lay, in a dispassionate way, before the voters of their respective communities, the facts concerning candidates for public office.

The Supreme Court of Missouri, however, upset this clumsily devised scheme to throttle free speech, declaring that statements or communications, "oral or written, wanted for private information, can not be coerced by a mere legislative mandate at the will of one of the parties against the will of the other; compulsory private discovery, even from corporations, enforced not by suit or action but by statutory terror, is not allowable where rights are under guardianship of due process of law."

The Court held the Civic League Act to be unconstitutional because it was in contravention of that guaranty of the Missouri constitution that "No law shall be passed impairing the freedom of speech; and every person shall be free to say, write, or publish whatever he will, on any subject, being responsible for all abuse of that liberty." Inasmuch as the Act transcended the power of the legislature, which is confined to the forbidding of blasphemy obscenity, sedition, or defamation, it was held to be in conflict with the constitution, and therefore void.

In July last, at a time when the trend of public sentiment seemed to be against further prosecution of the San Francisco grafters, and at a time when the prosecution had been subjected

to the grossest sort of abuse apparently for no other reason than it had dared to do its duty regardless of the President standing or position of the men charged with crime, the President of the United States, at the exact psychological moment, wrote to Mr. Roosevelt and the San Francisco Prosecutions Rudolph Spreckles, who had been the mainstay of District Attorney Langdon in his fight against iniquity and corruption, declaring in his letter that:

Now and then you and Mr. Heney and the others associated with you must feel down-hearted when you see men guilty of atrocious crimes who, for some cause or other, succeed in escaping punishment, and especially when you see men of wealth, of high business, and, in a sense, of high social standing, banded together against you.

My dear sir, I want you to feel that your experience is simply the experience of all of us who are engaged in this fight. There is no form of slander and wicked falsehood which will not as a matter of course be employed against all men engaged in such a struggle.

And this is not only on the part of men and papers representing the lowest type of demagoguery, but, I am sorry to say, also on the part of the men and papers representing the interests that call themselves preëminently conservative, preëminently cultured. * * *

You must battle on valiantly, no matter what the biggest business men may say, no matter what the mob may say, no matter what may be said by that element which may be regarded as socially the highest element. * * *

The most powerful ally of lawlessness and mob violence is the man, whoever he may be, politician or business man, judge or lawyer, capitalist or editor, who in any way works so as to shield wealthy and powerful wrong-doers from the consequences of their misconduct. * * *

If there can be any degree in the contemptuous abhorrence with which right-thinking citizens should regard corruption, it must be felt in its most extreme form for the so-called "best citizens," the men high in business and social life, who, by backing up or by preventing the punishment of wealthy criminals, set the seal of their approval upon crime and give their honor to rich felons.

Not only were the San Francisco workers enheartened and encouraged, but every man and woman interested in the purg-

ing of our municipalities from the cancer of bribery and corruption. The San Francisco prosecutions are proceeding without abatement; public sentiment is rallying to the support of the District Attorney and his assistant Mr. Heney and their colleagues; the women of the city are manifesting their interest by daily attendance at the trial of the former boss of the city; and, as throwing some light upon the significance and importance of their presence, we have only to note the efforts that are being made by Mr. Reuf's counsel to exclude them from the courtroom, and to wear them out in their daily attendance by wearying delays.

Few men in this country have more trenchantly, successfully, or persistently exposed municipal corruption in all its various manifestations than Lincoln Steffens. A despatch from Boston, however, chronicles the fact that this keen observer and forceful writer is now staying in that city in order to make careful investigation and study of what he calls the quiet reform that is just beginning there. He is not looking for the bad things, although not altogether overlooking them: his particular interest is in the methods followed by the finance commission and in the various movements that are at work there, quietly but effectively, for the creation of higher standards of municipal conduct. He has offered the opinion that these methods will prove more effective than the more noisy reforms of other cities; and he further expresses himself to the effect that the people at large in Boston have not yet awakened to the reform that is already in progress there.

Last spring the city of Grand Rapids had a revival, as it was called—a civic revival—to stir up the people of that community to a keener realization of the situation, and of their duty and obligation to improve the conditions which there existed. This revival, as one chronicler thereof puts it, had been preceded by years of patient effort that prepared the ground for the sower; but, nevertheless, while the city contained a large number of interested and public-spirited citizens able and willing to co-operate for public good, beyond them there seemed to be a thick and apparently impenetrable wall of apathy and indifference.

To break down this wall the revival was planned; and we are told that the wall has been broken; and while the parts of it are still standing, the breaches in it are too wide to permit of its ever being made whole again. The revival consisted of a systematic campaign of education and agitation. The newspapers gave generously of their space to bring the question home to the people of the city. The municipal affairs committee of the board of trade, which took a leading and guiding part in the work, printed and distributed thousands of circulars among the school children. It addressed letters to every organization in the city; it put placards in the shop windows and in the street cars.

All of this was antecedent to what was called "revival week," which opened far from auspiciously. The churches in which the meetings were held were but half filled on the first two evenings; but those who heard Professor Zueblin, the "revivalist," came again and brought others with them; and then the audiences picked up, and before the week was over, there was not room to accommodate more than a third of those who wanted to come.

The immediate object of the campaign was to secure appropriations from the local legislature for some much-needed public improvements. It was successful in this, but to a far greater degree than was anticipated even by the most sanguine advocate at the beginning. The greater victory lay "in arousing the people to a constructive interest in their city, in opening their minds to the fact that Grand Rapids is their common heritage, through the development of which, in loyal coöperation, life for each and all will be made more worth the living. Clean politics and efficient government, instead of covering all the field of a citizen's duty, are now recognized as covering but a fraction of it. Added to the task of being a good citizen on election day, is that of being a good neighbor every day."

In addressing this year's convention of the League of Iowa Municipalities, Mayor Phillips, of Ottumwa, the entertaining city, declared: "We are trying to give our city, of which we are proud, a good, clean and economical government; and in our conferences together we shall gather from you, and by the

experiences of our sister cities of the state in every way, that which shall make our city government still better." For three days the mayors and councilmen of the Iowa cities (and they are a goodly number) counselled together how to improve municipal conditions and methods in that state; and what was done in Iowa by municipal officials was done in a dozen other states by the municipal officials therein, to the end that a wider degree of public interest on the part of those charged with the duty of administering municipal affairs, has been awakened, and higher standards of efficiency established.

These instances, unrelated and uncorrelated though they are, have a deep and underlying connection, in that they are the surface manifestations of a swiftly moving current or tendency in American municipal life. They are the straws, if you please, which show how the tide is moving; they indicate how the people of this country are waking up to their municipal duties and obligations, and how they are striving to meet them intelligently and successfully. They are not the only manifestations to be noted; but they are typical of a great mass of them, all interesting, all suggestive, and all indicative of a spirit in American life which is working mightily for an improvement of those conditions which, only a few years ago, were regarded, and very properly so, as a serious menace to the continuance of democratic institutions in our country.

No small part of the gravity of the American municipal situation is due to the growing complexity of the **Complexity of** life of the city and the rapidly increasing functions which it is called upon to discharge. Some **City Life** idea of the extent of the municipal problem, from the pecuniary and financial side, may be gathered by a study of the figures collated and reported by the Bureau of the Census, which has been a potent factor in giving to students the data and material upon which to form reasonably sound conclusions as to recent tendencies and developments.¹ The intelligence and thoroughness with which these statistics have been

¹I am indebted to a report prepared by J. W. Howard, C.E., for the American Society of Municipal Improvement, for the totals and general averages herein set forth.

gathered and reported, constitute a very important and striking phase of recent municipal development.

And I must pause here to pay a just tribute to the work which has been done by the federal government during the present administration not only in disseminating correct information concerning municipal conditions, but in promoting intelligent and effective action on the part of officials. On more than one occasion the Census Bureau has called together the accounting and fiscal officers of the country to confer as to the ways and means of improving local accounts and general reports; and the National Municipal League has had no more helpful coadjutor in the work of formulating and promulgating the schedules of uniform accounting and reporting than the Census Bureau and its public-spirited officials.

Taking the statistics of 148 American cities having 30,000 inhabitants and more, from 1902 to 1906 and as estimated for 1907, we find that the per capita municipal receipts for 1902 had increased from \$16.10 in 1902 to \$17.98 in 1907, or from a total of \$328,509,429 in 1902 to one of \$420,637,500 in 1907. In the matter of expense, the per capita of expenditures has increased from \$13.36 in 1902 to \$14.90 in 1907, or from \$272,616,313 to \$343,711,052.

From the same authority we learn that during the past five years the representative cities of the country have collected from the people an increasing amount of money per capita each year (at the rate of 17 cents extra an inhabitant per year) forming a grand total of \$18,600,000 per annum.

The income received from liquor licenses has paid the largest share, the per capita increase being from \$1.30 in 1902 to \$1.71 in 1907, or from \$26,183,285 in 1902 to \$39,318,000 in 1907. In this connection it is interesting and suggestive to note that while there has been an increase in the total amounts appropriated for police, fire, charities and correction departments, the amounts so appropriated represent the same relative proportion of the whole in 1902 as in 1907. The increase in the cost of schools has been from \$3.69 to \$4.39 per capita in five years, or at an average rate of increase of 14 cents a year. The total increase

has been about \$5,122,000 a year and represents about 29.6 per cent of the increase in city expenses.

The total net debt of these 148 cities at the end of 1906 reached the enormous sum of \$1,385,841,497. The total population of these cities was 22,907,690: so that the per capita debt was \$60.54, which represents an increase of 23.1 per cent over the \$49.16 per capita debt of 1902. When we compare this enormous municipal indebtedness borne by 22,907,690 people with the federal indebtedness of \$964,435,687 (or \$11.46 per capita) borne by 84,154,000 people, we are astounded and overwhelmed by the immensity of the problem and the amount involved.

These highly suggestive figures add point to, and bring into sharp relief the need for, the work which has been inaugurated with such distinguished success by the New York Bureau of Municipal Research.

Comptroller Metz, of New York City, recently gave out a summary of reasons for the reorganization from top to bottom of New York's department of finance. Although this criticism, prepared by the Bureau of Municipal Research, was characterized as "the severest arraignment of city methods ever published," the comptroller admitted its truth and declared his intention to adopt the suggestions for reorganization.

Thirty-four reasons were given, in this statement, why the city of New York could not at present tell what it owes, what is owing to it, whether moneys collected are paid in, which departments are neglected and which are extravagant. These reasons were given in short, graphic sentences; and accounting terms were explained by illustration. For example, it illustrated the reason for inspecting goods before they are consumed by citing the incident of a milk dealer who secured a contract by a low bid. After the commissioner of charities had rejected several lots of milk as being below the standard guaranteed by the contract, the dealer asked to be released from his contract because "he had not looked for such inspection." To quote the language of the bureau, "he had looked for inspection of bills, not of milk."

As the bureau pertinently points out, New York differs from

one hundred other American cities in the large figures in which its story must be told, rather than in the number or character of defects in its business methods. It recalled that, within a few days of the issuance of this statement, New Rochelle had admitted a deficit of \$305,000, one-third of which was illegally diverted; while Holyoke, Mass., had discovered that it had been paying \$30.00 for 2 countersinks costing 45 cents; \$36.00 for 12 tri-squares which ordinarily would cost \$3.05; \$12.00 for an 88 cent oilstone, and so on.

The scope and effectiveness of the Bureau's activities is best demonstrated by a brief statement of what has been accomplished since it was organized. In July the commissioners of accounts of New York City handed to Mayor McClellan the results of their investigations into the Bronx
New York's Borough affairs. The sequel is that a third
Borough borough president stands accused of the gravest
Presidents abuses of office. New York has five borough presidents, which are offices of great power and dignity. Of these five, one had fled abroad under fire and publicly accused of malfeasance graver than that charged against either of the others mentioned; one has been removed by the governor of the state, only to be reelected by a shameless and brazen board of aldermen; a third has resigned.

Within two years New York has been committed to the policy of annual budgets that will clearly show for what purpose money is voted and will prevent the use of funds for purposes other than those mentioned in the budget; to a method of accounting that will tell the truth, instead of a method that does not tell the truth; to service records that will put a premium on official honesty, where present methods put a premium on dishonesty and inefficiency, and to the reorganization from top to bottom of a central comptrolling office known as the department of finance; to documentary evidence everywhere that will definitely locate responsibility for malfeasance, or for incompetency, and will make officials certifying to false statements criminally liable.

Moreover, the Bureau has organized a budgetary exhibit, which shows in striking contrast what the city gets and should get in the matter of supplies. Among the transactions which

it has brought to light in this connection, is one involving the purchase of 165 hooks, 172 bolts and 180 screws. The price of a hook in any shop in New York is 6 cents; the price of a bolt is 5 cents; the city bought 165 hooks, 172 bolts and 180 screws for \$117.00. To put up 165 hooks the city employed 2 workmen, who took 31 days to finish the job and were paid \$248.00 for their labor. The total cost of materials and labor was \$365.10, or \$2.21 a hook. The hooks were the ordinary wire coat-hooks to be found in almost any place of business. The Bureau of Municipal Research sets forth this transaction under the striking caption of "Getting the Hook." Certainly, a more suggestive one could scarcely have been devised. When in ten years, as the New York Tribune points out, the annual expenditures of the city have increased from \$95,000,000 to \$155,000,000, it is clear that the taxpayers are "getting the hook" with a vengeance, and that a political machine and its allies and beneficiaries are getting enormous spoils through corrupt and fraudulent methods.

✶ This new idea of municipal reform, or perhaps one ought to say this new application of old ideas to the improvement of municipal conditions, is being rapidly adopted in a number of cities, some of which have specifically requested not to have their names mentioned in connection with this statement; as they do not wish to divulge the fact of their study and investigation until they are ready to publish the results. The significant thought is, that there is a growing desire to secure exact and definite information upon which to base indictments; which is bound to prove, in the long run, a far more effective method of bringing about real reform than an unlimited indulgence in indiscriminate abuse and vituperation.

Boston has been approaching the same set of problems by a somewhat different way. Under the administration of Mayor Fitzgerald a finance commission was appointed, at the suggestion of some public-spirited men, to investigate the conditions prevailing in that city. It was expected that the set of men that were appointed would make a perfunctory examination of affairs, and an equally perfunctory report, with a few

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general and (from the administration's standpoint) harmless recommendations. The results were far different than what was anticipated. As the Boston Good Government League has pointed out, morning, noon and night, month after month, with a splendid and untiring devotion the seven members of the commission have examined the business of the city of Boston. While all the results have not thus far been made public, yet sufficient have been disclosed amply to justify the work and the money expended. Not the least important of the results was the defeat of Mayor Fitzgerald and his corrupt and strongly entrenched machine.

In August, 1907, the commission pointed out that a loan of \$300,000 for the extension of water mains was unnecessary, because the surplus income from the water rates and other sources was almost sufficient to do all the work required, and that at the most only \$75,000 more was needed. Later, it reviewed in detail a loan bill of \$1,584,500 passed by the city council and showed that items amounting to \$536,000 were not only unnecessary but highly objectionable and should be repealed. It called attention to the impropriety of enlarging the local cemetery at an excessive cost, and, further, that the board of health had called attention to the fact that such enlargement would be a menace to the city's water supply. It reported in detail on the department of weights and measures, showing gross inefficiency and excessive cost. It reported that the cost of the collector's office could be reduced from \$160,000 to \$120,000 without loss of efficiency. It showed in detail, by means of public hearings, that contracts had been let and supplies purchased without proper competition, and at excessive prices, the excess ranging all the way from 25 per cent to 100 per cent, a somewhat more modest rate of excess than that prevailing in the sister city of New York.

It estimated the probable saving to the city, on purchases of coal alone, to be \$100,000, if proper business methods were employed. It reported on the health department, showing inefficiency and undue cost owing to political influence. It advised the repeal of an ordinance, passed three years ago, splitting up the street department into seven parts or bureaus and advised a reconsolidation.

To quote from the summing up of the Good Government League, there is little reason to doubt that the report of the finance commission will throw a searchlight on innumerable instances of waste and inefficiency in city administration. Moreover, convincing proof will be forthcoming, as never before, that thousands of dollars could be annually saved without diminishing the services rendered to the public. Moreover, not only will Boston learn that these savings can be effected; but, thanks to the apparently inexhaustible patience of the commission, it will learn in detail just how and where this saving can be made.

Enough has been done abundantly to convince the public of the existence of grave abuses wherever politics have crept into departments; and they seem to have crept into them practically everywhere. Not only has their existence been shown, but they have been laid bare in all their hideous and revolting detail, and the extent of the moral and material injury done by them has been brought home to the public mind.

Great honor and credit must be given to the men who have given so long and so freely and so effectively of their time to achieve this result; and yet, as has been pointed out, the public may soon forget how a saving is to be effected in one place, and how in another: few may remember which department is at fault, or what remedy is suggested; but, as the League pertinently points out, one central fact will remain in the mind of the public, and will sink in and will germinate and will bear fruit in the future and will make for that reform the beginnings of which Lincoln Steffens has already noted, namely: the fact that there were men in the community with the ability, the experience, the patience to grasp, to analyze, to make plain to the average man the business of a city, and the further fact that those now in public office are not capable of this, or hold office under such conditions that they do not or will not do it.

The report of the finance commission will show how the city's business can be and ought to be managed. Will it show how the men are to be put in charge who can and will run it in this way? This is one of the big problems with which Boston will have to grapple; and if she can solve it successfully, it will be for the benefit of the whole country, as well as for its own.

As I have on more than one occasion in other annual reviews pointed out, there is no golden rule to municipal reform; there is no one panacea that will solve the difficulties and complexities of the situation: the problem is too big, is too perplexing, is too complex to yield to simple remedies. It requires the constant thought and best attention of public-spirited men, day in and day out, with an eye single to the public good, to produce even a small measure of improvement. The great value of work that the Bureau of Municipal Research and the Boston finance commission have done and are doing, is, that they are bringing home to the people of their respective communities the truth concerning their local conditions in a way that they cannot escape it, bringing home to them their personal duty and responsibility in the premises. Once the American people are aroused on this subject, once they take hold, the ways and means for working out the improvement will not be hard to find.

In the meantime it is highly important that every effort be made to gather concise and accurate information bearing upon the actual condition of affairs; for we are passing out of the era of general denunciation into that of more exact statement and information.

To Massachusetts belongs the credit of establishing the first state division or bureau of municipal statistics. The first volume of statistics has been issued; and while considerable difficulty has been experienced in unifying and classifying the returns, nevertheless the report represents a distinct forward step. Already the work has had a beneficial effect; at it has resulted in a number of cities reconstructing their accounts on a sounder and more substantial basis. The plan of uniformity suggested by Chief Gettemy, who has had charge of the work, is wholly commendable; and while its adoption may involve some temporary inconvenience to the local governments, it will eventually result in establishing standards of comparison that will be for the benefit of all concerned.

Among the interesting facts disclosed in the first year's volume, are to be noted: first, that there is almost entire lack of system

in handling the receipts and disbursements of the several cities and towns of the state. In many instances the financial transactions of the community are handled by a number of officers instead of by a single responsible official. It is quite likely that as a result of the report there will be an effort made to secure reform in this direction, as also in the further point of having the fiscal years uniform. Now only about a third of the towns and cities end their fiscal year on December 31. The others are closed at different times during the calendar year.

In the second place, many defects in the treasurers' methods of accounting have been disclosed. The need for the consolidation of the administration of trust funds has been made equally obvious. The report points out that in many instances money left to the community for special purposes had been used by the town trustees for general purposes; because it was felt that the fund was one which would never have to be repaid; and in some instances there was not even any evidence that it was a debt or obligation against the town.

Chief Gettemy, who was responsible for the gathering and reporting of the statistics, concludes his report by saying that

The first year's labor of the Bureau in this important field has been largely in the nature of missionary work, and has resulted in arousing a genuine interest throughout the Commonwealth in systematic and comparable methods of municipal accounting. It is a pleasure to be able to report that the local officials have, as a rule, shown a cordial willingness to comply with the requirements of the law; and when the purpose of the act has been explained, and the desirability of keeping their accounts in a systematic, business-like, and, so far as possible, uniform manner has been pointed out, they have shown a warm interest in the subject. * * * A substantial beginning has unquestionably been made in a great reform."

The movement for uniform accounting proceeds without interruption. As was pointed out in the Massachusetts report, the organized effort toward this end, originating with the National Municipal League, was given momentum by the Bureau of the Census at Washington, and was accelerated by the action of Ohio in passing a law which provided for the systematic

standardization of municipal financial reports, and by the action of the Massachusetts legislature in inaugurating a similar work in that state under the bureau of statistics, the first results of which are presented in the volume just mentioned.

Accounting investigations and reforms are being made the basis for an approach to the solution of important problems in Boston and New York, as has already been noted, and are being utilized to the same end in Minneapolis, where a comprehensive effort is being made to secure results similar to those already achieved in the East. The point of attack in that city has been the administration of the school funds, which seems to have been particularly inadequate and inefficient. A special grand jury that has been considering the whole question there, reports that it has found "a startling and deplorably loose state of affairs." In dealing with the school board, the grand jury in a formal report criticised not only the members of the board of education and their employees, but the American Book Company and its local agent, and arraigned them for their connection with the existing condition of affairs.

Although in the judgment of those qualified to express an opinion there has not been so much rascality as incompetence in the management of the affairs, nevertheless, as the Minneapolis Journal points out, the showing that has been made as to the unbusinesslike and wasteful methods, to use no stronger terms, must arouse indignation. In a department expending annually a million and a half dollars, and entrusted with the conduct of "that dearest of our institutions, the public school system," carelessness and confusion reign. Meager and inaccurate records are kept; text-books, billed at inflated prices, are paid for without investigation or check; the whole matter having apparently been turned over by the committee nominally in charge to the secretary of the board, who is now under indictment. Provisions of the state law requiring text-book prices to be filed with the state superintendent, have been ignored for years. These are a few of the sample abuses which have been brought to light through the grand jury's investigation, which in turn was inaugurated as a result of an investigation begun

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under the auspices of certain public-spirited citizens and carried on by some of the trained investigators who had been at work in unearthing similar conditions on the Pacific Coast, and especially in San Francisco.

Wilmington reports that during the past year there has been a careful and thoroughgoing examination of the accounts of that city. The result is, that there has been presented, for the first time, to the taxpayers of the city, a reliable statement of the actual condition of the city's finances; and it is confidently expected that the disclosures will result in remedial legislation at the next session of the legislature.

So the good work of investigation and publicity goes steadily forward. The people are being educated as to the exact facts and are being aroused to take steps not only to correct present abuses, but to prevent their recurrence in the future. As Dr. Allen, who has been an efficient leader in the work of the Bureau of Municipal Research, has pointed out in another connection.

Social service by private agencies can never catch up with the antisocial service of any municipal government that tolerates an inadequate health policy, or inefficient health, street-cleaning and housing administration. The inefficient administration of American cities is every year doing more injury to home, character and industry than does alcohol, the social evil, or gambling. Improper methods of making city budgets produce more inequalities of character, wealth and opportunity in a year than churches, schools and philanthropies together will remove in a decade unless directly related to government agencies. Private social service is most productive when it creates and strengthens public social service, when it aims to insure efficient government and to prevent inefficient government from needlessly burdening philanthropist and taxpayer and from obstructing education and religion.

As a part of the movement to place citizens in possession of more exact information concerning municipal affairs must be noted the establishment of municipal, legislative and reference bureaus in a number of the cities. These are intended, as one of the Chicago advocates of their establishment points out, to

keep the municipality in touch with municipal activities throughout the world. As it is now, according to Alderman Foreman, committees have to hire high-priced experts to learn what other cities have done and then accept their statements as gospel. We should have the results of New York's experience in building the subway, and the New York Central's experience in electrifying its lines. We are going to install a high-pressure water system. New Orleans is doing it in one way and New York in another. This department or municipal bureau of information should watch both, and be prepared to give the aldermen the results of both experiences.

Chicago, the alderman points out, is on the threshold of an era of public improvement which will call for the most intelligent direction from the city government; and the cost of the proposed bureau will be but a mere bagatelle compared with the saving which it can accomplish for the taxpayers if it shall be competently conducted. The same is substantially true of every other municipal community in our land; and we may expect, within the next half-dozen years, to find a series of similar bureaus established in all the leading cities, gathering for their respective municipalities information concerning improvements; and, moreover, we may expect a further development, in that all these several bureaus and libraries will be so coöordinated, each with the other, as to form a strong chain of information that will banish from the halls of legislation and the offices of administration the dense ignorance that all too frequently in the past has found a welcome lodgment therein.

Charter making and charter reformation continue to occupy a large and increasingly conspicuous part in the various efforts of leading American municipalities to secure better and more efficient government. Wherever we find a good government club, a municipal league, or a civic federation, there we are almost certain to find some endeavor to secure either an entirely new charter, or the adoption of amendments to existing charters needed to institute those reforms which are believed to be, or which are considered to be, essential and fundamental.

There are several tendencies in charter making which are to be noted. In the first place, there is a marked growth of senti-

ment in favor of a larger measure of local independence or home rule. Our cities are subjected to a degree of legislative buffeting that has well nigh destroyed the cherished idea

Charter of self-government. The charter commission
Making appointed in New York in 1907 by Governor
Tendencies Hughes, asked—What should be the relation between the city and the state? What should

be the internal arrangement of municipal power? Should it be centralized, or diffused? The first question the commission answered by suggesting a larger degree of home rule. It declared, for example, that the legislature of the state should not have the power to make it obligatory upon the city to appropriate money for city purposes specified by the legislature. "A virile municipality, once endowed by a proper measure of self-government, should settle for itself questions which, in their relation to the state as a whole, were distinctively local."

The continued interference by the legislature, the New York commission declared, is held responsible for instability in municipal government; because it makes impossible any guaranty of a continuous policy. It records the fact that besides more than 150 amendments to the charter adopted by the legislature since 1897, there have been since that time approximately 650 separate and special Acts directly affecting the city. This constant appeal to the legislature is hurtful both to the legislature on the one hand, by cumbering it with endless work, and to the city on the other by depriving it of its sense of responsibility. The second question the commission answered by suggesting a greater degree of centralization in city government.

The mayors and councilmen, gathered in annual convention by the League of American Municipalities at its recent meeting in Omaha, after an active discussion resolved that a committee of ten should be appointed for the purpose of forming and projecting an organized campaign for home rule to all municipalities, and provided that all cities, however small, should be invited to join in the movement. One of the speakers said that

In the United States today it frequently happens that some distinguished personage will visit a great municipality and the form of bestowing upon him the freedom of the city is observed;

but it is a form only—an empty fiction. However hospitable their employees, however welcome their visitors, **Municipal** the cities of this great republic, with some notable exceptions, have no freedom to give. They **Home Rule** are, in fact, slaves themselves—slaves to the machinery which controls the state and which generally counts the legislature and the executive as its most important parts. As individuals, the American citizens have greater power than the people anywhere else on earth; but when they bind themselves together as a municipal corporation, they have less power over their affairs than serfs.

Cuba, while not a possession of the United States, has had the benefit of American administration during the past two years, and during this time has taken steps to bring itself into line with modern thought and practice in more respects than one. Its latest effort to introduce efficient methods has been in the direction of the formulation of a scheme of municipal government which American states and cities could imitate with profit. In a "Project of Municipal Law," prepared by an advisory commission composed of Americans and Cubans, some members of which were members of the National Municipal League, the municipal government was given power to enjoy "autonomy in so far as it operates to provide for purely local needs," autonomy being defined to mean "a special power of initiative and action in matters exclusively pertaining to the municipality."

This municipal home rule is further defined and protected by a provision that the jurisdiction over all matters not vested in the government of the state, or in the provincial councils or governors under the constitution and the laws, shall be invested in the municipal government.

The cities are then given all the power necessary to provide for the collective needs of the local association comprised within the municipal district, "the preservation, development and culture of which are the principal needs of the municipality."

In submitting this project of municipal law, which was formally adopted by the provisional government and went into operation on October 1, it was declared that under the Spanish law theretofore existing in the island, municipal autonomy was limited by the necessity of having the government of the state

authorize the budget and other financial and administrative transactions of the city. In the project of law nothing was provided for except the necessary relations between the general government and the municipality for maintaining the political unity of the state. In the words of the commissioner's report:

In brief the Spanish municipal law of 1877 is a conservative adaptation of the law of 1870, which was pervaded by the strong spirit of the French centralization of the first Napoleonic Empire and corresponded to that class of political ideas. The project which we submit is founded upon the modern current of scientific ideas, and particularly upon the sound principles of local government endorsed by the National Municipal League of the United States.

The second development of importance and significance in the matter of charter reform, is the trend toward the concentration of power and responsibility. No small part of the popularity of the Galveston-Des Moines plan, which is receiving national attention and study, is due to the fact that the whole responsibility is centered on a small group of men (in most instances not more than five) and there is no way for them to evade the responsibility. "A responsible mayor," or "a responsible commission" is coming to be regarded more and more as an essential to effective administration. The old idea of checks and balances yields to the modern thought slowly; but modern conditions are having their effect.

In New York, where the whole question is being fought out on an extended scale, it is now proposed to dispense with the borough presidents, who are the elective heads of the five constituent boroughs, and practically do away with the board of aldermen, giving all the powers of these two groups of officials to the board of estimate, which is a small central body that has grown steadily in public favor.

With the borough presidents eliminated from the board of estimate, however, it would become a question how that board should be chosen. Mayor McClellan favors the direct election of citizens to this board, which would thus become a small but mighty city council. This method of choice the New York Evening Post opposes, pointing out that a large part of the use-

fulness of the board is due to the presence in its membership of the mayor and comptroller.

It will be seen from this that the New York idea of city government is veering toward the Galveston plan, using another route, however, to reach that destination. In Galveston the people elect a grand committee of five men to rule the city. These assume, by virtue of their membership on the board, the charge of certain executive branches, such as police, health, engineering, etc. New York, on the other hand, elects a mayor, comptroller and several borough presidents, who, by virtue of their office, become members of the board of estimate, or grand committee. The tendency in both instances, however, and this is the important thing to be noted, is to concentrate the powers of the city in the hands of a small committee of responsible men who are charged with both administrative and legislative duties.

At the meeting of the League of American Municipalities the Galveston-Des Moines plan found great favor. This is a significant fact; as that meeting was composed of men now actually in office and therefore directly charged with the conduct of affairs. As the secretary of the organization, himself one of the Des Moines commissioners, in an address said:

I hear talk of Omaha charter revision. Don't patch up the charter, but get a new one. You can't legislate intelligence and honesty into men. As to the Des Moines plan, the newspapers have got right with it. Although they did not help elect any of the new officers they support them now. The taxpayers said they wanted results, and they are getting them. The system is not conducted for the benefit of any set of men or any interests, but for the taxpayers in general; because each commissioner is held directly responsible for his part of the government and there is the recall hanging over the head of each commissioner, threatening him with removal if he does not do the right thing.

Another development has been the reduction in size of the legislative bodies and the gradual abolition of ward lines or, what is substantially the same thing, an enlargement of the representative districts. Herein lies another cause of the growing popularity of the Galveston-Des Moines plan, under which the council is made up of five men elected at large.

**Reduction of
Legislative
Bodies**

It is the testimony of one of Dubuque's best informed ex-officials that the elimination of ward lines in that city's government would save the taxpayers some \$20,000 to \$30,000 annually in the expenditures, which are now made without sufficient warrant, and in many cases actually wasted.

The elimination of ward lines and ward representatives does not depend upon the adoption of the commission form of government; but this has been thus far one of the most effective ways of achieving this end.

Kansas City is the most recent of the large cities of the country to adopt a new charter which marks some very important and distinct advances over the conditions prevailing under the old order; but these advances were rather of specific detail than of fundamentals. Yet along these lines substantial gains were made which will tend to simplify the transaction of municipal affairs and to lessen the hold of politicians on municipal service. A really effective merit system was achieved; municipal accounting methods were improved; a franchise referendum was provided; but an alternative proposition for the recall of elected municipal officers received much less than a majority of all the votes involving the charter as a whole, although receiving four-sevenths of the votes cast directly concerning it. A judicial construction will be required to determine whether, under these conditions, the recall was adopted.

Ohio has adopted a new municipal code. While nominally maintaining that of 1902, it is really almost revolutionary in its scope, in that it establishes for the entire state the somewhat mistakenly called "federal," plan of government, which was the boast of Cleveland for ten years until destroyed, on the ground that it was special legislation, by the supreme court in 1902. The uniform code then adopted, established a divided responsibility. This in a measure has been corrected in the recent legislation. As part of the municipal legislation of the year in Ohio we must note the passage of an act providing for the establishment of the merit system in all the cities of the state on August 1, 1909.

Hand in hand with the movement for charter revision there has been a steady increase in the number of cities which have

adopted the merit system within the past half-dozen years.

The Merit System As the Kansas City board of freeholders recently declared, in presenting the new charter above referred to: "Any city in the present state of municipal advancement and progress

which has not a provision for civil service reform, is as much behind the times as a city without electric lights, telephones or street cars." In 1904 the only progress to be noted was in Denver, which adopted a new charter providing for the merit system in its municipal service. In 1905 the charter proposed for Kansas City was defeated by the politicians of both parties, largely because of its civil service provision. The one forward step of that year was taken by Mayor Weaver of Philadelphia in removing from the secretaryship of the civil service board one who had made of that system a farce and a by-word, and replacing him by one Frank M. Riter, who made of the office an efficient instrument for promoting the best interests of the community and of protecting the municipal service from the intrusion of incompetent and inefficient men.

1906 saw the adoption, at a special session of the Pennsylvania legislature, of a comprehensive civil service law for the city of Philadelphia and another law forbidding the political activity of municipal employees. The city of Norfolk, Virginia, adopted a new charter in that year providing for the application of the merit system to the entire municipal service.

1907 brought further progress. The city of Wheeling, by a popular vote, adopted charter amendments providing for the system in the fire and water works departments. Pennsylvania adopted another law extending, in a general way, the Philadelphia civil service law to the cities of Pittsburgh, Allegheny and Scranton. Springfield, Illinois, by popular vote adopted the provisions of the Illinois civil service law; and the city council subsequently extended the scope of the law by changing the methods of appointing city officers. In Des Moines a commission form of city government containing stringent civil service provisions, was adopted by popular vote. There was one setback to be noted in this year, namely: in

Philadelphia, where the excellent civil service board that had been appointed to put the new law into effect, was replaced by one more willing to heed the wishes of party leaders than the spirit and letter of the law.

Although the record of 1908 is yet to be completed, a great advance has already been accomplished. In the early part of the year a civil service law was passed by the New Jersey legislature under which the various municipalities may adopt its provisions either by an ordinance of the governing body or a popular vote. So far three cities (Newark, Jersey City and Bayonne) and one county (Essex) have adopted the law by ordinance.

Cedar Rapids adopted the same form of commission government as Des Moines. In April, civil service rules were established under a charter provision by the city of Long Beach, California. Ohio, as we have already seen, passed a code containing admirable civil service provisions, which, however, do not go into effect until 1910. August saw the adoption by Kansas City, which a few years previously had rejected the idea, of rigorous provisions for the merit system. In Boston the finance commission disclosed the extravagance in the matter of salaries in the county offices not under the civil service law, as well as in the unnecessary offices created to satisfy political demands.

The progress of the year and of the past five years has been distinctly encouraging, especially in that it shows that where people have a fair chance to decide, they will, with scarcely an exception, and with certainly no notable exception, overwhelmingly in favor of the merit system.

Except in Philadelphia, where the merit system has temporarily fallen upon evil days, the administration of the civil service laws in the various cities shows by and large an honest effort to enforce them. In the larger cities the administration is increasingly efficient. San Francisco, because of its civic and material disasters, stands by itself; and although its civil service rules have been indulgently administered in the last few years, the situation is improving.

There has been a constantly growing appreciation of the evils

of the political activities of municipal office-holders. Mayor Guthrie of Pittsburgh has expressly forbidden municipal employees to take an active part in politics. Mayor Hibbard of Boston has sent the following notice to all heads of departments:

**Political
Activities of
Officeholders**

The participation of city employees in political canvasses is hereby forbidden. The right of the city employee to exercise his franchise on primary and election days is one which should be encouraged, but the engagement of city employees in factional political contests is an entirely different matter. Employees are hereby notified that their presence at the polls, either checking, canvassing or soliciting votes on primary or election days, will be considered sufficient cause for immediate dismissal from the service of the city.

The board of control of Norfolk, Virginia, has forbidden its employees to engage in political work; and the city council of Des Moines, in its civil service rules, has likewise prohibited the political activity of municipal employees. Several years ago James Bryce made a suggestion, in an address in this country, that received very little attention at the time, but which will receive more and more as the years pass by and the public appreciate the tremendous responsibilities involved in governmental activities, whether city, state or national.

In substance he recommended the creation of a class of public officials to be promoted from the lowest to the highest grade, on strictly civil service lines, by depriving all such officials of the right to vote, canvass, speak or write on political (that is, partisan political) subjects. His exact recommendation was that

No public officer, or member of an administration or of a public-service, should be permitted the right of suffrage; but every such person should be excluded, absolutely and entirely, from participation in the ballot. * * * Forbid the public servant to canvass or to speak or to write on any political subject. Teach himself to regard himself as a servant of the nation, and not of a particular political party.

At first blush it may seem a hardship to require all those entering upon public service in an administrative capacity to

forego an expression of their political views and the contributions of time or money to the extension of those views. Nevertheless, in the light of the abuses which have followed the prevalence in America, from the beginning, of a contrary policy, some such remedy as Mr. Bryce suggests would seem to be necessary to correct now the abuses attendant upon the unlimited privilege of public servants to serve as political managers or workers.

If public service in this country were obligatory, then the limitation on the right of public servants to participate in political affairs would be unconstitutional; but so long as entry upon public service is voluntary, it is no more unconstitutional to require that those so entering shall abstain from political activity than it is to require them to possess certain mental, physical, or residential qualifications. Civil service reform, which has been so thoroughly established in certain branches of the federal government and in a growing number of municipalities, affords a partial remedy; but so long as the civil servants are allowed to make contributions to political campaigns, either of money, time, or speech, so long will it be possible for political organizations to exercise a very considerable control over the politics of governmental employees.

Nomination reform has occupied a conspicuous place in the thought and consideration of state and city workers during the past year. Numerous laws providing for direct nominations, more or less completely, have become effective during the present year. As was to be expected with the intro-

Nomination Reform duction of a new system of procedure which eliminated many of the old conditions that had afforded favorable opportunity for the manipulations of the politician, the results have been questioned. These on the whole, however, have recommended themselves to those who are striving for the elimination of nomination monopoly and for the inauguration of a simpler and more direct form of election machinery.

Direct nominations or primaries (as they are still frequently called) involve an elimination of the old-time convention, and of the indirection which afforded ample opportunity for the

skillful hand of corrupt politicians. Moreover, they involve the conduct of the preliminary election under the auspices of the state election machinery and of a carefully supervised return of the votes. They further involve the application of the principles of the Australian ballot to the primary ballot; and this in time will lead to the general adoption of those principles, both at general and primary elections.

It is now generally conceded, except by a very small and diminishing group of men, that the preparation and distribution of the ballots at the general election is a proper state function and expense. The fact that old-line politicians do fight so strongly that particular provision of the direct primary laws is an indication that it destroys a part of their privilege and monopoly.

It is averred by some that the new system of nomination gives opportunity for all sorts of manipulation by members of one party casting their vote for a nominee to be placed upon the ticket of the other, thus leading to the nomination of weak candidates for the express purpose of overthrowing them.

This was especially a weakness of the convention system, and is likely to disappear very rapidly under the new system as the people become accustomed to exercising their rights and the privileges of discrimination under the new system. While it must not be overlooked that the notorious Dr. Ames of Minneapolis was nominated under a direct primary and under just such manipulation as has been referred to, yet the fact that he was subsequently elected by a very large majority at the general election, indicated that the people of Minneapolis then wanted him. I do not know of any law by which a self-governing community can be saved from itself. It must bear the brunt of the exercise of its judgment. If it wants men of the Ames type, it must be permitted to have them and learn, by bitter experience, how unwise its choice is. There are people, and good people, too, who seem to think that direct nominations mean inevitably good nominations. They mean nothing of the kind. They simply mean that the people have a right to express their choice directly, and without the intervention of unnecessary machinery.

If they don't know any better than to choose badly, the system won't save them.

A stock objection to direct nominations has been that it produces little men. The old system certainly produced its quota of little men, or (what was equally bad) of big men susceptible of manipulation and control. The line of progress lies in simplifying the machinery of nomination and election, and of protecting it against corruption and fraud, and then of educating the people in the exercise of the franchise. So far as I have been able to observe in the Western cities and states where direct nominations have been in operation for some considerable time, the results have on the whole been very satisfactory; and a very much higher grade of men, and men much more responsive to public sentiment, have been chosen.

Another objection frequently urged against the new system is, that it produces self-advertising on the part of candidates. It is difficult to consider this charge as a serious one; because there has been self-advertising under both systems. In the one case, however, it is a direct appeal. In the other, it is an indirect appeal by a party committee or a group of citizens. It would seem, however, that if there was any advantage in the one over the other, it was in favor of the direct appeal. Certainly, there is much to be said in behalf of the English system, in which the candidate makes his appeal without equivocation to those whom he seeks to represent. The system in vogue there seems to be much more truly democratic; and while mistakes may be made, as we know they have been in the past, in the long run it will work out best for the community, for democracy, and for the highest welfare of mankind.

There is considerable danger, it must be admitted, lest the bitterness engendered during the preliminary contest may be carried over into the general election; but, after all, if the people of a community do not want a man, he ought not to be forced upon them *volens volens*.

We must realize that we are living in a democracy, and that the election machinery must be democratic and must record the wishes of the people and be responsive to their desires. The whole trend of our government from the beginning has

been to strike off the fetters binding the people, although the process has often been a slow one. Direct nominations are a step in advance; because they enable the people directly to express their wishes. No doubt they have made their mistakes, and will continue to make them; but they have had to bear the brunt of them in the past, and they must continue to bear them in the future; and this in the long run will prove to be the most effective way of building up an enlightened and efficient democracy.

The election held last spring in Oregon presented many interesting features and, in a way, was one of the most remarkable and extraordinary events in recent years. The state went overwhelmingly Republican on every issue except that of United States senator. There was a direct vote for that, as for other offices; and the present governor (a Democrat) was given a plurality of the vote. Notwithstanding the fact that the legislature is overwhelmingly Republican, Governor Chamberlain, the successful candidate for United States senator, will, in all likelihood, be elected United States senator; as "Statement No. 1," under which the representatives and state senators are pledged to abide by the popular choice of the people in the selection of United States senator, has become firmly established, a considerable majority of senators and representatives having either expressly or impliedly pledged themselves to it.

Someone may ask, Why refer to a fact relating to a state election of a United States senator in a review of municipal events and tendencies? Apparently, the incident has only to do with state and federal matters; but inasmuch as the National Municipal League and its members and affiliated societies contend that municipal affairs should be considered separately and apart from state and national affairs, and inasmuch as in the past it has been difficult to achieve this desirable end, for one reason because the state legislature not only was responsible for the administration of state affairs but at the same time elected United States senators, and also determined the form and all too frequently the quality of municipal government—any step which

will take out of the field of state and local politics the determination of federal questions, is a step not only in the right direction, but one in which municipal students and workers have a direct and profound interest. If we are to achieve the ideal of considering municipal issues from a municipal standpoint, we must provide for the elimination of all federal questions from our state and municipal machinery; so that no one can have any excuse whatever for injecting national politics into local elections and issues.

The initiative and the referendum are coming to be regarded as effective instruments for securing an immediate expression of the people's will. Whether they will become permanent features of our political system, in view of its fundamentally representative character, is a question yet to be determined; but they are unquestionably proving effective in breaking down some of the privileges and monopolies that have characterized corrupt political organizations for many years.

The first state to adopt the constitutional amendment for the initiative and referendum was South Dakota. Utah came next with one, which, however, is not self-executing; and the legislature has not so far passed an enabling act. Oregon followed in 1902, Montana in 1906; and Oklahoma in 1907. South Dakota, Oregon and Columbia went so far as to apply the constitutional amendments for the initiative and referendum to municipal corporations. In 1907 Iowa and South Dakota each enacted a general law under which cities may, if they so desire, have charters embodying the general features of the commission plan of government. In both these states the cities may not be incorporated by special act; but any city choosing to adopt the new plan of government, acquired with it the initiative, referendum and recall.

In South Dakota the constitution specifically gives to the people the right of the initiative and referendum; but in Iowa there is no constitutional reference to it. The supreme court of that state, however, has decided that the statute conferring the right upon cities of a certain class of adopting the commission plan of government including the initiative, referendum and

recall, was constitutional, inasmuch as the state constitution did not specifically forbid the granting of these rights. In Texas, however, cities of a certain size may be incorporated by a special act; and ever since Galveston obtained this new form of government, a number of cities have been given charters by special act—some embodying the initiative, some embodying all three, others one or two of these rights; and some, none of them, or only in a modified form.

The recall, which is the most modern of the three remedies, was adopted, for the first time in any city charter, by Los Angeles, in 1903. In 1905, San Diego, San Bernardino, Pasadena and Fresno followed Los Angeles' example. In 1906 Seattle joined the list; and in 1907, Everett, Washington, and six other California cities joined in the movement.

In the matter of public utility franchises the Cleveland referendum on the street railway three cents fare settlement and the workings of the New York Public Utility Commissions were easily the most important events of the year. The former was not a defeat of municipal ownership, as has been so widely heralded. While it was easy for an intelligent, disinterested, person to comprehend the issues involved, it was practically impossible for nine-tenths of the voters to do so.

A very clear representation was necessary to understand the many phases of the problem. It was easy for the grossest misrepresentation to find lodgment, and this misrepresentation was made the last week of the campaign by hundreds of thousands of circulars and hundreds of billboards and in paid newspaper advertisement made to imitate editorials.

The courts may yet set aside the vote of several precincts because of serious failures of some of the voting machines to register correctly and because of the violation of the state law in other respects. A big battle is beginning as to whether the Traction Company has the right to retain the properties as leased. The Mayor is hopeful and may yet be able to carry out his ideas. New developments will come rapidly.

The vote on October 22 was returned as 38,249 for, to 37,644 against the franchise given by the City Council on April 27 last,

as a security grant to the Cleveland Railway Company. According to one close observer (Dr. E. W. Bemis), the events leading up to the election, which surprised friends and opponents alike, were these:

The strike last May left a great deal of bitterness among a very active minority of the trade unions of the city. A thousand striking conductors and motormen, who refused the chance to go back to work until after their places had been filled, devoted all their time, apparently under pay of some interested parties, in printing literature and actively canvassing against the holding corporation.

Not so many cars were run by about 15 per cent as were operated by the old company during the corresponding months of last year. The Traction Company through this cut was able to keep up the property situation as required by the lease and pay the necessary rental; but was obliged to do so under a policy of a straight 3 cents fare and universal transfer within the city limits and because of two temporary conditions: The hard times, and the impossibility of collecting a 3 cents fare without the use of "pay as you enter" cars and a suitable fare box at the entrance of the car. The times have been the worst experienced in Cleveland for twelve years or more; and this fact as any where else, lessened the number of street car rides. A return to the normal would enable the company through the increased earnings to give as good service as was ever given. Furthermore, the company was rapidly transforming its cars into the "pay-enter" type with an excellent fare box just invented by Mayor Johnston.

One line on which these boxes had been put into use showed an increase of 17 per cent in the receipts, with scarcely any increase in expenses. There is every reason to believe, Dr. Bemis declares, that this increase would apply to all the lines as soon as the new cars were ready next year, and this alone would enable the service to be improved by so much as it had been cut, but the people were impatient and did not wish to wait.

Had the holding company secured the property at its structural value or about two-thirds of what was paid for it, or had

it been willing to raise the fares to about 3.5 cents, the service could have immediately been made all that was desirable and then the fare could have been reduced to 3 cents on the resumption of better times or a completion of the new cars; but the Traction Company did not realize how much the people objected to the reduction in service.

The company was generally thought to have been so confident of its motives and of the confidence of the people in it, and so confident also of the wisdom and ultimate popularity of the many changes that it made in the routing of its cars, etc., that it showed too little tact in dealing with the desires or prejudices of the people.

Some felt that because the promises as to service did not appear to have been fully kept during the first five months, therefore, the promise as to the future of rapid improvement of service also would not be kept.

At the election itself thousands appear to have voted against the franchise who thought they were voting to sustain the Mayor and his policy. In sixty of the precincts where voting machines were used, the ballot was not made to read "For the franchise" or "Against the franchise," as the campaign speakers and public print had explained would be done. In the voting machines, the voters to their surprise and without any previous instructions found themselves face to face with a pointer which must be turned to the words "Yes" or "No." Many were thus confused, it is alleged; while scores of machines for some reason did not register all the votes cast. If the votes of these precincts are thrown out, the whole result of the election will be changed.

The fear of political enemies of the mayor that the 3 cents fare experiments would ultimately give good service and thereby enhance the prestige and political power of the mayor, was another strong influence, as was the large amount of money used by the opposition. Whether it came from street railways in other cities that feared the spread of the Cleveland experiment, or from certain other local public utility corporations that feared the application of the holding company or municipal ownership idea to them, or whether it came from a few large

stockholders of one of the old constituent companies, is not known. The fact remains that enormous sums of money were spent in defeating the ordinance.

It is impossible to predict the future. A written agreement exists between the mayor and the representative of the old Cleveland Electric Railway Company, providing that if the security grant should fail the properties should revert to their original owners, the Forest City or 3 cents fare line on one hand, and the Cleveland Electric, with its rapidly expiring franchises on the other. This eminently just and fair provision was not embodied, however, in any contract between the companies, and its validity is disputed by the attorneys for the Cleveland Electric Company. The latter claim they technically bought out the Forest City and are now the owners of both the 3 cents fare lines and the other, and can operate the entire system, giving 3 cents fare on the Forest City line and a higher fare on the other lines. If, however, the technical or purely legal aspects are to be pursued, the attorneys for the mayor claim that the lease of the entire Cleveland Railway Company, including the Forest City, to the Municipal Traction Company did not legally have any provision for a reversion of the lessors' properties in case the security grant was not ratified. The outcome will be awaited with keen interest.

The working out of the New York and Wisconsin experiments are being watched with keen interest. It is too soon to predict the effect of their operation. It is sufficient to note that a public sentiment is being slowly but surely formed that will eventually work out a satisfactory solution of the whole difficult problem.

The New York investigations are yielding abundant fruit in the disclosure of existing conditions and in directing public attention to the question of the policies to be pursued. William M. Ivins, of counsel for Commission No. 1, has become convinced that private ownership and use of public franchises is a failure. He believes that the better way of handling the matter is through the public ownership of street car lines—whether surface, subway, or elevated—and their

operation by the private companies making the highest bids for a given term of years.

He does not favor municipal operation as well as ownership. Taking warning from the experience of the city in connection with the equipment of the subway, he would have lines municipally owned and equipped before any bids for their operation are received. But when the plants are ready for use he would have private companies manage them. So far as ownership and equipment are concerned, the same conclusions were reached by a Massachusetts commission of prominent men (headed by Charles Francis Adams), who made a careful study of the subject both in America and abroad.

In Minneapolis the conspicuous feature of the past year, municipally, has been the rapid development in the community of a distinct franchise program. Public sentiment is now more engrossed along this line than any other. The long drawn out controversy over the General Electric franchise is largely responsible for the present condition of affairs in this respect. The General Electric franchise, passed by the council and vetoed by the mayor, is still hung up, but its lessons have not been lost on the community. The question now is a much broader one than whether the General Electric franchise shall be adopted or not.

The broad general question of municipal franchises has developed from the other and has assumed large importance in the public mind. This was made a leading issue in the candidacies of many candidates for the nomination for alderman and of one of the mayoralty candidates. The results will be, in the opinion of local observers, a new council after January 1 taking a conspicuously advanced stand in franchise matters. It is safe to assume that no franchise will be granted in the next three or four years that does not provide for adequate compensation to the public in some form—purchase by the city under fair terms, reasonable regulation of service and rates, and comparatively short terms.

This program was definitely announced by Mayor Haynes, who has just been reelected in consequence thereof. It was

the one thing that saved him from defeat at both the primaries and the general election.

Missouri now has a law under which each city can create its own utility commission. Indianapolis has a law passed by the late Indiana legislature which forbids the present administration of the city from entering into any contract with the gas company whereby more than 60 cents per 1,000 cubic feet would be charged.

Another most significant development, or rather incident, was the declaration of W. Caryl Ely, past President of the American Street and Interurban Railway Association. Speaking of the supervision of public service corporations by state commissions, he said, in part:

This movement is not confined to any state. It is sweeping over the whole world. The people are asserting themselves. We might as well seek to dam Niagara as to stop this. It is impossible to stop it. Deep down in our hearts we know it is right; let us be men enough to recognize it; let us coöperate with the people, and let them understand that we are working together; be frank with them, and we shall find that they are not unreasonable, but want only fair and square treatment.

We have had trouble because there was captious fighting against proper measures which would not have been so drastic in some cases if the proper spirit had been shown and the public service side was presented in the right manner. Let us deal with the people in the most open way possible, and fare trouble and all other troubles will disappear.

More significant still is the fact that these words were received, we are told, with "great applause and general approval."

Not only are public and especially municipal officials coming to be subjected to greater and greater limitations insofar as political activity is concerned, but the community is imposing more and more exacting conditions regarding political campaign funds. Publicity and limitation of such funds are no new thing in this country, as a number of states have numerous elaborate statutes on various phases of the subject; but the attitude of the candidates in the recently concluded presidential campaign serves to show how far we have already progressed. Moreover, it will further serve to accelerate the movement.

In a long list of states there are statutes requiring that either the candidates, committees or political agents shall file sworn itemized statements. It includes Massachusetts, Connecticut, New York, Pennsylvania, Virginia, Texas, Wisconsin, Minnesota, Missouri, Nebraska, Montana, Colorado, Arizona and California, and the Texas law of 1905 provides that all handling funds shall file statements. There is a variation of requirements as to disposition of the statement. In some places it is merely filed, although open to public inspection. In some it must be advertised, and in others published in pamphlet form. There has also been considerable legislation restricting contributions and expenditures. The laws of Wisconsin, Missouri, Nebraska, Florida, Kentucky and Tennessee prohibit corporation contributions to campaign funds and Wisconsin forbids non-residents from contributing. In Connecticut, New Jersey, Illinois and California it is unlawful to solicit funds of candidates, but they are entitled to contribute of their own free will, if they so decide. The time will no doubt come, however, when candidates and office-holders will be absolutely forbidden to contribute to political funds. As to the limitations on expenditures, Connecticut and Nebraska forbid the payment of naturalization fees and Texas prohibits the payment of an elector's poll tax. In New Hampshire, North and South Carolina, Florida, Mississippi and Arkansas treating and entertainment are forbidden. Betting on the results of an election are illegal in Maine, Pennsylvania, Wisconsin, Missouri, North Dakota, Nebraska, Oklahoma, Arizona and California. No state, however, has gone as far as Sir Henry James' British Act of 1883, which deprives election workers of their votes, although Minnesota's law of 1895 limits their employment. The only legal expenditures in that state are for public speakers and musicians, the personal traveling expenses of the candidates, rent of halls, cost of printing and postage, telegraph and other messenger service, the hire of clerks, challengers, canvassers, and the use of carriages for the conveyance of infirm and disabled voters to the polls. The same Minnesota act and the Missouri law of 1893 limits the amount to be spent in a campaign according

to the number of voters and the California law limits the expenses of candidates according to salary. The penalties to enforce these laws vary from fine and imprisonment to disfranchisement and annulment of election. The whole question is well before the public by reason of the action of Judge Taft and Mr. Bryan; and we hope electoral reformers will seize the opportunity to extend and perfect the laws already on the book and to bring still other communities under their beneficent sway. In the meantime, it would not be amiss for the candidates to consider with care the suggestions of President Roosevelt that election expenses be borne by the government just as those of election day now are—a suggestion that is being reiterated by an increasing number of municipal reformers.

From every part of the country comes news of municipal interest in and more stringent regulation of the sale of alcoholic liquors. For instance, we learn that in Wyoming there is fast developing a local option sentiment and the present prospects are that the next legislature will pass a local option law. In Indiana and Ohio it has been an absorbing issue.

The saloon continues to be a disturbing factor in Minneapolis politics. Beyond half-hearted enforcement of the 11 o'clock and Sunday closing statutes, the present administration holds a rather passive attitude toward this and all other moral questions. The present mayor has gone on the theory that the law enforcement issue as regards the saloon is settled in Minneapolis, and is making his campaign on the issue of franchises. The city council passed a saloon limiting ordinance in 1907, with the limit placed at 435.

From far western Walla Walla comes a message that is typical of many another far and mid-western community:

The influence of the saloon in local politics has been decidedly minimized. I think I correctly stated the situation when I say that five years ago a candidate for office would seek the aid of the saloons and feel that he was not alienating the independent vote. At the present time I think every candidate is striving to convince the people that he is opposed to the saloons and in favor of local option. I believe that a local option law would carry at this fall's election if submitted to a popular vote.

New Orleans reports a restrictive act which was accepted by the local representatives in the state legislature, not because they wanted it, but because they feared its rejection would mean prohibition, pure and simple, at the next session of the legislature.

The most pronounced incident in connection with municipal affairs in Richmond, Virginia, during the last year was the enactment of an ordinance limiting the number, regulating the conduct of saloons in the city and fixing the license fee at \$500.00, double the amount formerly paid. The friends of this ordinance are satisfied that it has proved a great success in eliminating the worst and most objectionable places and lessening crime in the city.

The prohibition law in Alabama has been in operation in Birmingham for nine months. In other communities in the state it has been in operation for many years, for they have had local option laws in Alabama for fifty years. It has been demonstrated to the satisfaction of intelligent critics that prohibition decreases the consumption of liquor to a very considerable extent and decreases crime to a very great extent. In fact, in the smaller towns of the state, the closing of the saloons has meant the closing of the police courts, and many city prisons in Alabama have had no prisoners for months.

In Birmingham, which last year had in round numbers ten thousand arrests for various offenses, there is shown a decrease of nearly fifty per cent (50 per cent). The reports of the health department show a decrease in the number of deaths from accidents and violent causes that is quite remarkable, so much out of line with the usual reports that the health officer credits it to prohibition. The number of murders committed in the county has largely decreased, and the cost of maintaining the jails and feeding prisoners, the administration of justice and the operation of all of our industries of every character, have demonstrated that prohibition of the sale of liquor means economy, in Alabama at least, in the administration of affairs, both public and private.

A serious attempt is being made in Chicago to reverse the wide open policy that has prevailed for more than 30 years. The city has a large population of foreign parentage which

regards restrictions upon liquor-drinking as interference with personal liberty. This element, however, or at least a large portion of it, is not lawless in its instincts. It chafed at the taunts of the prohibitionists that it was a law-defying element. Consequently, when the Chicago Charter Convention was framing a draft of a charter for the city of Chicago, the keynote of which was municipal home rule, the United Societies, representing largely citizens of foreign descent, asked that the charter provide for home rule on the Sunday question. The Charter Convention approved a bill vesting in the city council the power to say whether or not saloons should be open or closed in Chicago on Sunday. The Legislature, however, refused to pass this particular bill. Consequently the United Societies, as a means of showing their power, fought the approval of the charter on a referendum vote. The charter was defeated by a large majority, and undoubtedly the United Societies were an important factor in procuring that result.

The demonstration of power, however, offended elements favorable to the new charter, and the result has been that the Law and Order League has persistently pushed the issue of Sunday closing to the front. Whether it will succeed in that particular purpose cannot be prophesied; but this much can reasonably be predicted—the saloon question, and especially that phase of it known as “Sunday opening,” will be determined in accordance with law. In other words, if the majority of the people of Chicago want liquor sold on Sunday the law will be changed accordingly. If they do not, then the present law will be enforced as are similar laws in other cities. Enforcement will be a settled policy and not dependent upon the whim and wishes of the administration temporarily in office. The Interior of Chicago has put the whole case in a nutshell:

The Sunday-closing law for saloons is to many citizens of Chicago a conscience statute, but to many it is not. To the latter it is simply one of those personally obnoxious regulations which men of better position in the community have taught them by example to disregard at pleasure. There is only one principle of citizenship which will bring such classes into line with this

and other requirements of state legislation, and that is the fundamental doctrine that it is an essential part of patriotism for a man voluntarily to keep every requirement on the statute books as long as it remains there unrepealed. This is a perfectly tangible proposition which it requires no American birth for a citizen to apprehend, if it is put to him squarely. A German can see it as well as a New Englander. But before the New Englander or any other advocate of this principle can begin to teach it to the German or any other man who hasn't realized it, he must first clean up his own dooryard, and as at matter of patriotic obligation must conform his own personal and business practice in each minute particular to the exact letter of the law and as well to its essential spirit. Here is high need for a revival that shall begin high and reach down low, touching society in every grade.

The issue in Chicago and in every other part of the land—for the issue, acute or latent, reaches everywhere—is not a mere quarrel over this or that especial statute. The gist of the question has been obscured in Chicago because so many men have plunged into it to show their sabbatarian zeal, and others as a special phase of the anti-saloon campaign. The subject must be seen and treated more broadly. It must be distinctly realized that when a candidate for a law-enforcing office promises not to enforce one given statute, he has attacked not a law, but the law—the whole body and fabric of democratic self-regulation through legal enactment. The ideal of absolute law-supremacy must be held intact in every possible application, or it will go altogether to pieces. The proof of such disintegration is seen immediately in the fact that any candidate who promises to nullify any one enactment on the books forthwith gathers to himself the favor and aid of the criminal classes—of everybody who makes it a business to break the people's enactments. The whole flood of criminal population rushes gleefully for the first slight flaw in the law's great dike. All law-breaking is bound up together by inevitable logic of human nature; the only defense against the very worst of it is to bind up together all law-observance and tie it tight.

From all the various cities of the country come encouraging reports of activity, important work undertaken, and accomplished results. Boston last December overthrew Mayor Fitzgerald, who had not only the advantage of being a Democrat in a Democratic stronghold, but the strong support of a vigorous,

well entrenched machine based on a judicious distribution of the spoils of war. The Republican candidate was elected by a substantial majority, and since his induction into office has been fulfilling with a fair measure of success the ante-election pledges; so that Boston must have credit not only for having defeated Fitzgerald, but of having elected in his place a man who fairly recognizes his duty and his obligation to the whole people.

The Good Government Association refers, in its last report, to the growing importance and influence of the publication of the records of all candidates for municipal office, **Boston** which are regularly mailed to every voter in the city. This year, partly as a result of these records and of a large amount of definite, painstaking work the association succeeded in securing the election of a better board of aldermen than the city has had for many years, and in defeating several most undesirable candidates. The epoch-marking work of the Boston Finance Commission which has had the earnest and efficient support of the association from the beginning has been noted in another connection.

The Boston Merchants Association has been reorganized on lines which will make it a powerful factor in advancing not only the commercial, but the civic interests of the city; so that it is expected to take its place side by side with the merchants associations of New York, Indianapolis, Chicago and San Francisco and with the great chambers of commerce in Pittsburgh and Cleveland: all of which are now generally recognized throughout the country as being leaders in the work of civic advancement. The Boston association will have a municipal and metropolitan department, under the direction of a committee which includes in its membership a number of the most influential business men in the city.

"Associated Civic Societies of New Haven," Connecticut, is the title under which the progressive forces of that city are now working. Through its program committee it is bringing to that city men of national prominence to speak **New Haven** on important municipal and civic principles, showing how they can be applied to New Haven. It has a

publicity committee which furnishes to the newspapers from time to time articles bearing on the work that is being taken up, and which is keeping the people informed not only of what the society is doing but of what needs to be done. Through the educational committee there is being developed a larger use of the public school buildings, which are gradually being opened for lectures and entertainments mainly along the lines followed with so much success in New York City. The civic committee deals directly with the city government, following up the work of the aldermen, the several departments, the manner in which the money of the city is being spent. It is represented at all public hearings involving legislation bearing on the city's welfare, approving that which is deemed to be for the best interest of the city and opposing that which is considered detrimental.

Governor Hughes' triumphant renomination and reelection are the transcendently important events in New York state. They are important not only to New York but to the country at large. Hated and opposed to the uttermost by the corrupt politicians who saw, in the event of his reelection, the crumbling of their carefully devised plans and machinery, he was nominated by a hostile convention because it realized the fatuity of attempting to defeat the clearly and unequivocally expressed desire of the people of the state. To have defeated Governor Hughes for renomination would have foredoomed the Republican ticket to defeat; and for the people of the state to have refused him a reelection would have been to give all the corrupt and detrimental forces of the state a renewed lease of life.

The election means not only the overthrow of the forces of iniquity, but the defeat of the reactionary influences that have been making a great last stand for power and control. It means the ultimate success of his far-reaching program of reforms; it means encouragement to every person interested in the higher welfare of the community; it means the success—the ultimate success—of decent methods and more efficient government. Not only will every worker in the cause of municipal decency

and betterment in New York state be helped by his victory, but likewise every one throughout the United States who has at heart the interests of the people and of the whole people.

There have been numerous incidents of local importance and somewhat general significance in New York which, however, have been more or less overshadowed by the **New York's Hughes campaign.** Among these we may mention the passage of the **Recount Bill** a year ago at the hands of a reluctant legislature, and the demonstration in the courts of New York that the election of Mayor McClellan was not a forced or fraudulent one, but represented a clear plurality of the votes cast, and that he held title by right and not by control of the counting of the vote. The judge who presided at the recount, declared:

It must appear to you, as it does to me, that the accuracy of the original canvass was quite as complete and certain as the one reached here by this body. The evidence disclosed here that there was no fraud so far as the conduct of the election officers was concerned, and we found in the boxes votes that corresponded to the record they made of the official returns upon that night. I only speak of this for the purpose of exonerating those men from the charge of fraud that was made here.

It is encouraging to have demonstrated that the election machinery of Greater New York was responsive to the people's will and had not been subjected to the strain of fraudulent manipulation. While it was shown that there were some mistakes in the counting of the complicated ballot and some few frauds, these were not sufficient to affect the result, nor to justify the claim that the election had been a fraudulent one.

It is quite impossible in a review such as this to refer in detail to the persistent activities of organizations like the Citizens Union in New York, which maintains a legislative agent at Albany and keeps close watch not only on all the bills introduced there, but on all legislation undertaken at the City Hall; nor to the numerous gains in local civic work such as are reported for Buffalo, including the inauguration of work similar to that of the New York Citizens Union and the Bureau of Municipal Research. Suffice it to say, in this connection, for these cities

and for all the cities of New York and practically for all the cities of any size or consequence in the United States, that there are local agencies constantly at work to give the voters definite information in regard to pending issues and to arouse the citizens to their civic duties. It is because of the great amount of work being done along these lines, frequently unheralded and unregarded, that the close students of municipal development feel encouraged not only about the present, but about the future of municipal government in America.

From Philadelphia comes word that at the recent election upwards of 72,000 voters took the trouble to vote for a candidate who was on neither the Republican nor Democratic ticket, and who represented in his candidacy the desires of the independently inclined citizens of that community.

Philadelphia The Philadelphia Party's candidate for sheriff in a campaign of little more than a fortnight secured this remarkable expression of public interest; and although he was not successful in securing the election, his vote demonstrates that the people of Philadelphia are not asleep at the switch, are not wholly indifferent to their political duties, and are willing to stand up and be counted, even though to do this requires the careful marking of a very complicated ballot.

Mayor Guthrie's splendid work in Pittsburgh has been told at length in other connections. It is sufficient in this connection to say that he has more than justified the confidence reposed in him at the time of his election. He has introduced new standards of public administration; he has labored

Pittsburgh incessantly for the best interests of the community; he has sought in every way within
and his power to fight corruption, to advance the
Mayor Guthrie interests of the city, to place the community and its interests above all other considerations.

In every department of municipal activity the influence of his personal character and his devotion to duty is to be seen, and his influence will be felt for many years to come; because he has made the repetition of old conditions in many instances impossible and has established new standards, which will soon harden into custom.

Mayor Guthrie is ineligible for reelection, so he can not in his own person continue the work which he has inaugurated; but, irrespective of whom his successor may be, there can be no doubt that the next administration will be influenced by the present in every particular. There may be some reaction, due to a feeling of security upon the part of the people; but such reaction if it should come is destined to be a shortlived one, and then the splendid forward movement will continue and sweep on to larger and completer victories that not even Mayor Guthrie himself anticipated.

Everett Colby won a significant triumph in the primaries against the reactionary forces in his senatorial district in northern New Jersey. Although he was defeated by a slight margin at the general election, it was only brought about **Everett Colby's Fight** by the machine establishing a record of independence in local and state affairs that will come back in the very near future to plague those who established the precedent. Verily, Senator Colby's defeat is a victory in disguise. Men like him and the ideas for which he stands may suffer temporary setbacks; but, founded as they are, upon a firm basis of public policy, they can not be permanently defeated. They must sooner or later come to the front. The delay in establishing them will in the nature of things be, but brief, and will in all likelihood prove to be for the best in the long run.

South of Mason and Dixon's line municipal development, although slow, continues to grow steadily. The Baltimore Reform League has had a useful year's activity. From Louisville comes word of improvement in municipal administration as a result of the recent overthrow of the machine there. An active member of the National Municipal League is authority for the statement that they have

a most excellent set of men on the Board of Safety and of Control. These boards have charge of the police and fire departments and the public building and construction of streets, sewers, etc. The police and firemen have been taken out of politics, so far as it is possible to do so. We are therefore practically sure of fair elections. We have the most efficient department of

**Reform in
the South**

police since my recollection of such matters; our aldermen are a fine set of men—our best citizens; and their efforts have been along high lines.

When one compares this with what prevailed in the city only two short years ago, and recalls that fraud and corruption held high carnival at the election, he can not help but feel that progress is being made even if the report above quoted is somewhat enthusiastic; although it comes from one who is not a political partisan of the administration in power.

We must not overlook, however, that there has been no effort made to change the method of the nomination of officials in Louisville or Kentucky; and that there has been no improvement in municipal accounting or reporting, nor, indeed, along any of the legislative lines which are regarded as helpful to the permanent introduction of improved conditions. Nevertheless, it is a decided gain to have a competent administration succeed a bad one, even if its control of affairs is but temporary; for it will certainly make the recurrence of the old conditions more difficult, and the return of improved conditions easier.

Birmingham, Alabama, is enjoying the benefits of a clean, decent, honest, aggressive administration. Three years and a half ago George B. Ward, the present mayor, was employed in a bank and had never taken any active part in professional politics. He had no reputation as a speech-maker and none as a "mixer;" but he did know how to attend to the bank's business. The independent party in looking around for a candidate came across him, and picked him out as the kind of man it wanted. He was nominated and elected; and he was inducted into office. He found, however, that he had a pretty serious task before him. The city council was not changed, nor were the prominent citizens who enjoyed the perpetual street railway franchises and other valuable public utilities; some of the public and some of the lower courts were in pretty bad condition; and law-enforcement seemed to be a forgotten principle in public affairs.

Efforts were made to bully the mayor on the one hand, and persuade him when that policy was not effective. Various efforts to embarrass him were made; and there was no stickling

at the methods adopted. He kept steadily before him, however, his public duty, and appealed to the moral element of the community; and now he is winning out, not only along political lines but along civic lines as well; and he has made the name of Birmingham known throughout the length and breadth of the country, in many places where it was unknown before, by his successful method of enlisting the people in personal activity along the lines of definite civic endeavor.

Mayor Malone, of Memphis, Tennessee, another independent mayor, has had similar troubles—and a few more. Indeed, he had **Memphis** to defend the very life of the city government against the legislature, a bill repealing the law under which he was elected having been passed and a new system established. The supreme court, however, declared the effort to be illegal and unconstitutional; and Mayor Malone was permitted to carry on his far-reaching reforms. Although nominated by a mass meeting and defeating the former mayor, who claimed to be the regular nominee of his party, he has now been endorsed by those who formerly most bitterly opposed him.

The Texas cities—especially Galveston, Houston and Dallas—continue to contribute interesting experiences, especially along the line of the effective working out of the Galveston plan. As a Dallas correspondent puts it:

It is my deliberate opinion that we can and have accomplished more in one year under a commission form of government than in five years under the old form of government. Not only that, but I believe the taxpayers are getting full value for their money. A short time since the city officials were called upon to make the tax rate for the coming year. On account of the great increase in assessments from forty-nine million in 1907 to sixty million in 1908 the question of reducing the tax rate came before the city officials, and at that time many of the heaviest taxpayers of the city petitioned the city officials not to reduce the tax rate, giving as their reason that they were satisfied the city officials were wisely and honestly using the taxes for the promotion of the city's welfare, and therefore they would prefer under such conditions to continue the present rate of taxes rather than to see the tax rate lowered, this being, in my judgment, a tribute to the efficiency and ability of the officers of our present form of government.

Cincinnati took an encouraging step forward at the election on November 3, wherein it defeated the "Cox nominees" for the judge of the common pleas bench and for Cincinnati prosecuting attorney. They are to be supplanted by City Party men. The independent forces of the city have been put in control of the most important engine for the exposure of municipal evils in the whole scheme of government; and if it can not now expose the municipal corruption and break up the pernicious machine that it has for years been working to destroy, there will be, very naturally, keen disappointment. It is not likely, however, that Henry T. Hunt, the new prosecuting attorney, who has long been identified with forward movements in Cincinnati and who as a member of the National Municipal League has shown his interest in the wider work for municipal improvement, will disappoint those who have placed confidence in him. As the Citizen's Bulletin of Cincinnati editorially declared:

The election of Mr. Hunt will change the complexion of things. He will make grafting as dangerous in Cincinnati as Mr. Heney has made it in San Francisco. He will drive the boodlers from Cincinnati as Joe Folk drove them from St. Louis. As courageous as Jerome, but more persistent and unrelenting, Mr. Hunt will be a terror to all evil-doers. He will let no guilty man escape. He is as incorruptible as he is fearless. He will do his duty at all costs and at all hazards; he will not permit fear or favor to swerve him from the pursuit of law-breakers, no matter who they may be. He is an ideal man for the place. To fail to elect him will be to the eternal discredit of Cincinnati. The issue is joined. Shall sterling worth be recognized, or shall there be a perpetuation of boss rule? And what this last means we all know. It is about time for Cincinnati to cease degrading itself by wallowing in the filth of machine politics. Let us elect a brave and incorruptible man to the office of Prosecuting Attorney. And that man is Henry T. Hunt!

There is plainly a progressive interest in Indiana in all that relates to local government reform. It has been steadily spreading from the larger to the smaller communities of the states during the past few years. There has been an exposure of graft and bribery in many local offices, followed by indictments, trials, and in one case

a conviction and a penitentiary sentence and in another case a most suspicious acquittal, which really did more to accentuate the need for further effective work than a conviction could. Public sentiment is in an excited and sensitive state on the whole subject of local conditions. The influence of the brewery in politics has assumed a commanding importance in the public mind; and zeal for the restriction of the liquor traffic has assumed proportions almost unprecedented. Out of such public excitement much good may confidently be expected; but it is somewhat difficult to forecast what line of work will be the one in which reform may make itself permanently effective.

Two years ago in Indianapolis a Democratic auditor and a Democratic prosecutor were elected. They were the only Democrats on the county ticket who pulled through. They have been a great assistance, however, in unearthing the graft and dishonesty. Two ex-county officers are now being sued, many thousands of dollars have been paid into the treasury by others and a county commissioner was acquitted in a sort of "not guilty, but don't do it again" fashion.

In city affairs, the agent for an asphalt company has been sent to the penitentiary for conspiracy to steal money from the city; and the president of the company is awaiting trial. Probably the most hopeful thing, however that has occurred in the city in many years, is the movement inaugurated a short time ago by the Merchants Association. Appalled by the exposures of the past few years, its board of directors appointed a committee to investigate the situation and propose a remedy. This committee concluded, with common sense, that it was better to strike at the root of the evil, rather than to send a few victims of a bad system to the penitentiary. A public announcement is made of their views; and, among other things, the association recommended legislation which will require the turning of all fees into the public treasury and will place all public officials on a definite salary. Moreover, county auditors are to be given power to audit county accounts. The auditor of Marion County, in which Indianapolis, the capital of the state, is located, has never audited the accounts of the county commissioners. It is proposed to give the auditor of the state power, in turn, to

supervise the accounts of the county auditor's office, and to establish a uniform system of bookkeeping and reporting.

Moreover, the Association is urging a radical reform in the system of jury drawing; and it is proposed to give the minority members of the grand jury power to call to the attention of the governor those things which they believe constitute abuses by the public officials, if the majority of the grand jury fail to indict.

The declaration of principles announced by the Merchants Association as just outlined, has been endorsed by practically all the civic bodies in the city, by the labor unions, by the bankers and by various organizations of public-spirited men. The candidates on both tickets pledged their support to the whole program, which is a non-partisan one and is recognized as being truly in the interest of the citizens and taxpayer. The present indications are, that important reforms will be instituted in the conduct of local affairs.

Although the preliminary report of the Chicago Municipal Voters League was somewhat pessimistic regarding the local situation, the League was never more successful than in the election of last April, which showed Chicago that the people were prepared to support a progressive movement that is vigorous and courageous without being crazy. In a number of contests at the primaries the League was successful in about half of the cases in which it took action; but the situation is better than those figures would indicate, for the reason that the contests which were won, were among the most important.

Twenty-four of the thirty-five aldermen chosen in April, carried the League's endorsement; while nine were elected in opposition to the League. As to there maining two, neither opposition nor endorsement was offered. The League made especially important fights in three wards, winning two and losing the third by a narrow majority. In each case the voters sustained the League's contention that non-partisanship should govern purely municipal elections.

The Legislative Voters League, which proposes to do for the state legislature what the Chicago League has done for the local legislature, took a more active and extensive part in

the campaign just concluded than at any previous period in its history. It took a specially prominent part at the primaries held on August 8. The following summary of its performance in this connection is interesting and suggestive:

Endorsed, usually on their legislative records.....	55
Commended, having no legislative records.....	31
No comment for lack of necessary information.....	63
Condemned on their legislative records, in most cases without hope of defeating them, owing to political conditions.....	40
Opposed for other reasons.....	5
Not recommended	11
Records mixed as in parts unsatisfactory.....	9

Owing to the Illinois cumulative voting system on candidates for the house of representatives nominations in most cases were practically equivalent to election. The results above tabulated indicate that the League accomplished about twenty times as much as in the previous seven years of its existence put together. This was due to the opportunities afforded by the new direct primary law at its first test.

Aside from the formal records made at Springfield, the League's sources of information were principally its advisory councils of four to six members in each senatorial district. These councils have been organized in every senatorial district (51 in number) in the state. Most of them did careful and conscientious work. About forty held from one to six meetings each, and made formal reports. In a number of instances the members of the council investigated qualifications of candidates and sent in their views. In only four or five districts did the councils fail to make reports; and in these cases it was usually because of unavoidable circumstances, such, for instance, as wide separation of the members in the districts containing five or six counties each.

The "Senate combine," as it is locally known, had a severe lesson; and the effects of the League's campaign are bound to be salutary. Present indications are that there will be a new

and a much cleaner organization of the senate in the next general assembly. Except in one district where the League spent \$150.00, its total expenditure was in no district more than \$60.00.

Milwaukee's municipal election offered practically no ground for encouragement. It was a clean Democratic sweep, reactionary in its character and discouraging in its results. In a way it was a rebuke to the recent administration which was not taken seriously but was also due, in large part, to the weaknesses of the existing electoral system and contrivances. The reactionary impulse alone would not again have elected, for the fifth time, David S. Rose as mayor of the city, had it not proved that many thousand voters, educated as well as illiterate, found it more convenient and comfortable to vote a straight party ticket on the voting machine than to take the time and trouble to vote their convictions. Moreover, there was a fear lest the Socialist candidate, who had a large personal following should succeed and inaugurate radical administration, notwithstanding that the Social Democratic candidate was generally conceded to be personally the best qualified and cleanest of the three. As it was, he ran second in the contest.

Notwithstanding the tendency just noted, we are told that there was never a greater sentiment nor a larger intention to split the ticket, and even the primaries showed a large independent vote; but the feature of the law which confined the voter's independent expression to selecting the party ticket which most appealed to him, and confining himself to it at the primaries, defeated the best candidate for the mayoralty nomination; and then the restriction in the law that no voter could remain more than sixty seconds at the voting machine, forced many an otherwise independently inclined elector to vote a straight ticket.

The same story of the inadequacy of the voting machine comes from Minneapolis, where in the recent primaries and general election several thousands of voters left the polls without voting, because the machines were so difficult of operation. In a large number of precincts, voters waited from one to three hours to get a chance at the machine. This, of course, is too much to ask of

the business, professional or working man. Within the limitation of rapidity, the machines otherwise worked successfully. 166 were used and 31,000 votes were recorded at the primary election, a falling off of 13,000 from the primary election of two years ago. A factor in the situation, however, was the large size of the election districts.

Minneapolis is in the midst of another great upheaval which in the judgment of those who are studying the situation

Will discount the old "Doc" Ames mess of 1902 by a large margin. The present investigation began with the board of education, starting early last summer with the employment of the son of W. J. Burns of San Francisco to handle the investigating end. It has been known for several years that at least one member of the board of education was a bad grafter. It was also known that the business methods of the board were not entirely up to date. The graft member of the board was made the target of the investigators. He was landed definitely more than a month ago, and indicted on several counts a couple of weeks ago by the present grand jury. One other member of the board of education has retired to the Northern woods, a very sick man, and the others are vainly trying to stem the tide of criticism and indignation. Revelations of official rottenness connected with the present city administration—the mayor's part of it—have been coming before the grand jury for the past ten days. There is strong evidence of a condition of vicious wide-openness rivaling that of the Doc Ames regime, with protection furnished by people high up in the councils of the administration and also very close personally to the mayor. The parties thus far known to be indicted are saloon-keepers, but there is bigger game to come.

I should say, in connection with the school-board investigation, that the evidence seems to point to the local agent of the American School Book Company as being the most dangerous factor in the scheme of school board graft. He is a very clever individual, and has wielded a large influence in board affairs, both here and in St. Paul. It is possible he will be bagged, but he is so clever and resourceful that I hardly dare hope for such a consummation.

Des Moines is trying the experiment of a modified form of the Galveston plan. The commission which was elected has entered with vigor and intelligence upon the discharge of its duties and, with the coöperation of the newspapers and the

people of the city, is seeking to inaugurate the system in the spirit in which it was enacted. Two groups endeavored to control the election; one known as the old "City Hall gang," and the other as the "silk stocking crowd," which had much to do with originating of the now widely known Des Moines plan. The election, however, resulted in the defeat of both factions and a victory for John McVicar, a former mayor, who for many years has been the Secretary of the League of the American Municipalities, and has a well deserved reputation as a specialist in municipal subjects—and several other radical candidates, including two labor candidates. The mayor was the only one of the "City Hall gang" who succeeded; and he is known as an excellent man. The public utility people tried to defeat him with a man of their own; but were not successful. The mayor, as he is known, was generally regarded as a "wide-open" candidate; but as the new city government announced a policy of strict enforcement of the law, which policy it is adhering to, "it would appear that the item of mayor is not overwhelmingly important under the Des Moines plan."

A determined effort was made in Kansas City to reelect Mayor Beardsley, who had made an enviable record during the last two years. He had accomplished more in actual results than any mayor the city had ever had. His advocates pointed out that he had secured natural gas for the city at 25 cents per thousand feet and in so doing had fought and defeated not only the local gas company but the United Gas Improvement Company of North America, and the Kansas Natural Gas Company—all backed up by the Standard Oil Company; that he had fought and defeated the Metropolitan Street Railway Company in an important contest, and that the Metropolitan in the campaign was fighting Mr. Beardsley; that in the contest for a new union depot and terminal facilities, Mr. Beardsley had held his own against 27 railroads and had protected the rights of the people at every point and was about to close negotiations for these important improvements; that he had been largely instrumental in securing the passage of the

law by the last legislature known as the Enabling Act, which gave to the cities of Missouri power to regulate public utilities; that when he had taken office, there was a deficit in the public treasury of \$310,000; that this had been paid off and over \$700,000 had been spent in public improvements out of the general revenue and there was a \$100,000 surplus.

It is plain to be seen that to accomplish these important results, Mayor Beardsley had made many enemies, who not unnaturally, as all too frequently occurs, pooled their issues to defeat him. It is doubtful, however, whether the man that they used to defeat Mr. Beardsley will prove to be a pliable tool. Indeed, there are not many who believe that the successful opponent will dare to throw open "the gates of graft as they were at one time in Kansas City." Whether Mayor Crittenden justifies the confidence of his supporters and his well-wishers, it nevertheless remains that Kansas City has lost the services, in the defeat of Mr. Beardsley, of a man who was rapidly becoming a municipal expert, and who from the standpoint of character was absolutely true and unswerving. As one observer who is not a political partisan of Mr. Beardsley declared:

He comes nearer being the ideal man for the position than any man I have known in this city or any other city; and yet the people rejected him with their eyes open.

There is no reason, however, to be discouraged over the situation in Kansas City, any more than there is reason to feel downhearted by the defeat of Everett Colby. These men and their followers and their prototypes in the various parts of the country are soldiers in a great battle; they have enlisted for the war and they expect occasional defeat. Naturally they do not crave it; but when it comes, they view their defeat philosophically and gird on their armor for more vigorous warfare.

Denver has demonstrated its independence by reelecting Judge Lindsey¹ as a county court judge over the regular Republican and Democratic candidates; and word comes from the same city that the election before last was considered by many of the leading citizens to have been the first honest election held for many years.

¹ Ben B. Lindsey was reelected juvenile judge by 32,000 votes out of a total of 65,022 cast for three candidates for the office. The republican

San Francisco has taken a great step forward within the last year. From a wicked and corrupt administration, well up in the first rank of all cities which have indulged in that direction, it has advanced, to quote a thoughtful observer, to the other extreme of an almost ideal administration. The entire board of supervisors and the mayor of the city are **San Francisco** now beyond reproach; and the city has men engaged in its affairs who could not have been induced to take the positions except for the support of a full body of good men working together, and from the genuine patriotism aroused by the previous corrupt administrations. May this spirit of patriotism and self-sacrifice continue until it becomes the established practice of the community.

San Francisco has a huge undertaking, however, to reestablish upon a really high plane a government which has been so thoroughly run down; and much time will be required to work out its salvation. If, however, its competent men are willing to place the community's interests above their own and will con-

candidate secured 15,294 votes and the democratic candidate 17,728. Judge Lindsey's plurality was 14,272 and he came within 1022 of polling as many votes as his two opponents together. If the 3000 scratched ballots intended for him and thrown out as defective had been counted, he would have had more votes than his opponents.

Judge Lindsey's campaign lasted but three weeks. It was a lively one, culminating on election day with "his" boys at every precinct working for him. The judge refused to permit any organized work by the youngsters, but there was no stopping them. "The kids were everywhere," he writes. "It was mighty interesting to see these boys, particularly the bright Jewish boys, standing on a box talking to a crowd of factory operatives at the noon hour, telling them how to scratch their tickets."

Politicians had declared that the judge had no chance of election, not only on account of the organized opposition of both parties, but because of the difficulty of scratching the Colorado ballot. But it did not work out that way. It might be surmised, as one observer put the case, that ballot scratching which can be explained in public by boys is not—at any rate, it ought not to be—beyond the intelligence of a voter. Judge Lindsey was given a hearing in the churches and the women's clubs. Both helped him, but he was elected, he believes, by the votes of men and women who knew his work either through its results in their own families, or in the families of friends and neighbors. His term of office is for four years from January 1, 1909.—EDITOR.

tinue in the course they have already begun, there can be no question as to what the results will be. Already there is difficulty experienced in securing, in the various subordinate places, men of an equally high type. The various commissioners' terms of office expire but one at a time, and year by year; so that they are replaced only gradually. It will therefore be some time before they are placed on so high a plane as the legislative branch of the government.

Los Angeles continues to afford interesting and encouraging experiences. The most notable of the last year has been the effort to secure a new charter. The present one is somewhat outgrown, although containing many excellent features. It was proposed to substitute a new charter for the present measure; and the mayor accordingly appointed a committee representing the various commercial, civic and industrial organizations, to draft one. In order that it might be made effective during the coming session of the legislature, this committee requested the city council to call an election of fifteen freeholders for the formal presentation of the new charter to the public. One of the provisions of the new charter was the election of councilmen at large, instead of by wards. This did not meet the approval of the council; and they declined to call an election. This apparently put a quietus upon the plan for a new

Los Angeles charter; but as there is a constitutional provision in the state that a certain percentage of voters may present amendments to a city charter and that the calling of an election to ratify the same is mandatory upon the city council, the Municipal League came to the rescue of the Charter Commission and secured sufficient signatures for the calling of such an election, at which a series of important amendments will be voted upon. If these amendments carry, the city will be in pretty good shape, as the more important reforms will be achieved. The amendments proposed are:

(1) Increasing the powers of the city and providing for the ownership and operation of municipal gas and electric plants; the construction and operation of conduits, railroads, steam and electric, and providing for the disposal of surplus water and electric power to other municipal corporations; to acquire and construct and operate public wharves, docks, piers, etc., at San Pedro Harbor.

(2) To prevent the sale by the city of any public wharf, dock, railroad, canal, conduit, water, gas or electric system or any public utility now or hereafter owned without the assent of two-thirds of the qualified voters.

(3) Providing that the bed of the Los Angeles River, which passes through the center of the city, shall never be sold, leased or alienated in any way, but the whole thereof shall be kept at all times for municipal purposes.

(4) Providing for the election of councilmen at large instead of by wards.

(5) An article defining the powers of the Board of Public Works with reference to the Owens River Aqueduct.

(6) Providing for direct primary elections in the city of Los Angeles.

(7) Giving the mayor power to veto contracts involving the payment of more than \$500.00.

(8) Providing for the bonding of city employees.

This concludes the annual survey of municipal events. It must be admitted that, taken by and large, it presents grounds for reasonable encouragement. The municipal millennium is not at hand; but the developments which we find on every side are such as to justify the expectation that the cities of the country are rapidly freeing themselves from the opprobrium that they were the worst governed municipalities in the world.

Charter Tendencies in Recent Years.

By PROFESSOR JOHN A. FAIRLIE,¹
University of Michigan.

It was ten years ago, at the Indianapolis meeting of the National Municipal League, that the League's Committee on Municipal Program, made its report presenting a plan for constructive legislation for the betterment of municipal government in the United States. It is my task to sketch the general tendencies that appear in municipal legislation in the United States mainly since that report was presented, indicating the application of the principles of the League's program and also the development in other directions. For this purpose it seems best to consider first the methods of formulating and enacting such legislation and later the substantive changes in the organization of municipal government, the scope of municipal powers and the regulation of franchises and municipal accounts.

In spite of numerous prohibitions and restrictions on special legislation in state constitutions, ten years ago city government in this country was still regulated in the main by special acts of the state legislatures. Even where general laws were required, by the device of classification legislation for all cities of importance in practice applied to individual cities, and was subject to frequent and often arbitrary changes. In four states—Missouri, California, Washington and (after 1896) Minnesota—some cities had power to adopt their own charters of government; but even in these states but few cities had made use of this power.

The Municipal Program proposed a series of constitutional provisions establishing certain general principles, and a general municipal corporations act applicable alike to all cities, and

¹Member, Michigan Constitutional Convention, 1908.—EDITOR.

authorized cities of over 25,000 population to frame and adopt their own charters subject to the constitution and general laws of the state.

During the past decade there has been enacted a vast volume of additional municipal legislation, by various methods, special acts of the state-legislature have continued, and form the greatest bulk of this legislation, while for the largest cities special legislation is still the general system. But even in regard to special legislation the principle of home rule has come to be more generally recognized ;

Growth of as the result of local initiative and sometimes
Municipal as the outcome of organized action in the local
Home Rule community. The greater New York charter of 1897 and the revision of 1901 were framed by local commissions; and special legislation in that state must under the constitution of 1894, be submitted to the city authorities and if disapproved must be re-passed by the legislature. Special legislation for Chicago, authorized by an amendment to the Illinois Constitution, is subject to a local referendum; and the general revision of the city charter submitted in 1907 was prepared by a local convention. The general revision of the charter of Grand Rapids, Michigan in 1905, was the result of local discussion and was formulated by the local authorities. And the recent special acts establishing the "commission plan" of city government in Texas cities have been due to the local efforts of the cities.

On the other hand there have also been some striking cases of special legislation enacted by secret and political influences without the knowledge or consent of the local communities. The "ripper bills" for Detroit, Pittsburg and other Pennsylvania cities in 1901, and the amendments to the Philadelphia charter in 1905 are notable instances. But these have been on the whole exceptional; and the antagonism aroused by this procedure make it seem probable that such methods are not likely to be repeated often in the future.

More significant has been the increased number of city charters framed and adopted by the cities themselves under provisions of the state constitutions. To the four states previously author-

izing this method there have been added Colorado in 1902, Oregon in 1906, Oklahoma in 1907 and Michigan during the present year. In the states authorizing this method before 1898 there had been but few cases where the power had been exercised; St. Louis and Kansas City were the only important examples. But in 1898 San Francisco adopted its own charter, and there are now twenty or more home rule charters in California. In Minnesota about a dozen cities have formed their own charter, Denver acted under the Colorado provision in 1904.

There are considerable differences of detail in the provisions of the various state constitutions providing for home rule charters. But these cannot be discussed in this brief summary of general tendencies. A few words may however be added in regard to the provisions in the revised Michigan Constitution which has just been adopted. This is the first state east of the Mississippi River to accept this method of municipal legislation; and this

Michigan's	action indicates that the movement is likely
New Consti-	to make headway even in the older states.
tution	The Michigan Constitution distinctly recognizes
	that city charters shall be subject to the general
	laws of the state; and it leaves to the legisla-
	ture the duty of prescribing the detailed method by which char-
	ters shall be framed and adopted by the electors of each city or
	village.

Alongside of these tendencies there have been enacted in several states during the past decade a number of important general laws on municipal government. In New York a general law for cities of the second class was passed in 1898 and went into force in 1900. A Pennsylvania act of 1901 applied to the three cities of the second class in that state. The Virginia Constitution of 1902 contained important provisions on municipal government, and a new general law was enacted the following year. In 1902, owing to a decision of the Supreme Court of Ohio, a general law was passed in that state abolishing the former absurd classification of cities. In 1903 the New Jersey legislature enacted an optional general law. In 1905 a new general law was passed in Indiana, reducing the number of classes of cities to five and simplifying the system of organization. On the

other hand a commission appointed in Connecticut 1905 to consider the question of a general law reported that this was impracticable.

At first sight this legislation seems to be in direct conflict with the tendency towards a greater degree of home rule seen in the methods previously considered. To some extent these general laws do restrict variations in the form of municipal organization; and the Ohio code particularly imposed a rigid system of boards on large and small cities alike. But the general legislation also prevents arbitrary action by the legislature with regard to particular cities, and its main tendency is towards an increase of municipal autonomy. Under general laws all cities are granted the same powers; and more power is necessarily left to each city to regulate its local affairs than under the system of special legislation. As home rule charters are in most states subject to the general laws of the states, the two methods tend to produce somewhat similar results.

Most of the general laws, however, still prescribe the local organization too much in detail; and in that respect fail to follow the principles of the municipal program. The provisions of the revised Michigan constitution are more closely in accord with these principles. The legislature in this state is to provide simply for the "incorporation" of cities by general laws, under which each city has power to frame its own charter. It is expected that under these provisions the general laws will be limited to broad principles of general application, while the detailed machinery of local organization will be worked out for each city by itself.

In regard to municipal organization, the municipal program provided for the separation of legislative from administrative functions, for the centralization of administrative power by giving the mayor power to appoint and remove heads of departments and for applying the merit system to subordinate positions. Amid a considerable variety in the detailed methods, the legislation of the past ten years shows a distinct advance in the adoption of these principles. The separation of legislative from administrative functions is an

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important feature of both the Ohio and Indiana municipal codes and appears also in many of the special acts and home rule charters. Where special acts are still used, however, the legislative powers of city councils are still of small importance and the result under these conditions has been to accentuate the chief executive. The recent general laws, however, add to the legislative authority of the councils; while where cities have power to frame their own charters there is a large power of local legislation exercised either by the charter convention, the city council or by the direct vote of the city electors.

In the organization of municipal councils the principal change has been to provide for the election of some part of the council at large.¹ This is done in the new general laws of Ohio and Indiana, is the usual rule in Iowa cities and has been introduced by special act in a number of Massachusetts cities.

The centralization of administrative power is a marked characteristic of nearly all the recent municipal legislation, although in some cases this has taken other forms than **Administrative** that recommended in the Municipal Program. **Centralization** In New York, Pennsylvania and Indiana, and to some extent in other cities, this centralization has been secured by the development of the mayor's authority; but as in these states the legislative powers of the city councils have not been increased to any marked extent, the balance between the executive and legislative branches of city government has not been preserved.

The recent movement for the "commission plan" of city government in Texas, Iowa and other states represents in another form the same tendency to centralization of administrative power. At first sight the distinction between legislation and administration seems to be abandoned by this plan. But in fact the powers of the commission are almost entirely administrative; and the legislative authority is exercised in framing the city charter or by the electors of the city through referendum votes on important questions. In one important respect, however, the commission plan carries centralization beyond the

¹ Compare with Secretary's review, "American Municipal Tendencies," p. 162.

principles of the Municipal Program and beyond the generally accepted principles of American government—in authorizing appropriations and taxes to be voted by the same officials who are charged with the expenditure. This feature of the commission plan requires further evidence of its success before it is generally adopted.

Even the Ohio municipal code of 1902, which in many respects failed to follow the recent tendencies in legislation, provides to some degree for a greater centralization in administration than formerly existed in that state. The boards of public service combined the functions of several former authorities and are the principal administrative bodies in the Ohio cities. The amendments to this code which go into effect next year will bring about further centralization.

The merit system in cities has also made decided progress during the past decade. Much the most important measure has been the new civil service law passed by the New York legislature in 1899, carrying out effectively the provisions of the state constitution of 1894, and under which the merit system has been established in all the cities of that state, under the supervision of the state civil service commission. Other important cities where the merit system has been introduced for the whole municipal service are San Francisco in 1900, Los Angeles in 1902, Denver in 1904, Pittsburg and Scranton in 1907, while the "Des Moines plan" and the new Kansas City charter (1908) provides for its introduction in these cities. In other states and cities the principles of the merit system have been applied to some extent. The Ohio code of 1902 provides for a system of competitive examination for the police and fire departments, administered, however, by the board of public safety. A New Jersey law of 1905 established the merit system for the police and fire departments in cities of the first class. The merit system has been applied to the police and fire departments in a score of Wisconsin cities. The Indiana code of 1905 contains a vague provision authorizing the mayor and heads of departments to adopt rules for determining the fitness of candidates and for appointments to positions in the city service.

These laws have been administered with varying degrees of effectiveness. Notably in San Francisco the objects of the law were openly violated for a number of years, before the recent upheaval in that city. But the provisions in the laws and city charters indicate that this reform is making progress; and in most cases there has been a distinct improvement in the standards of administration and a decline in the operation of the spoils system.¹

The reduction of partisan political influences in municipal elections is aimed at in the Municipal Program by provisions for separating municipal from state and national elections, and for non-partisan nominations. **Partisan Political Influences** The separation of municipal from national elections has always been the general rule in this country (New York has been a notable exception) and this rule has been continued in most recent legislation. In Ohio and Indiana the date for municipal elections has been changed from the spring to November; but these elections come in years when there are no national or state elections.² In Michigan, however, municipal elections in a few cities have been placed at the same time as the general state and congressional elections.

Non-partisan nominations have made some progress; but as yet comparatively little. The movement for direct nominations that has spread so rapidly in recent years has for the most part been based on the existing national parties, although in some cases the primary laws make it easy for voters of one party to vote on the nomination of candidates of their opponents. A distinct recognition of non-partisan nominations has, however, been authorized in the recent Iowa law, adopted in Des Moines and Cedar Rapids. The city of Grand Rapids, Mich., has also voted for a non-partisan method of nominations for municipal offices; and the charter proposed for Chicago by the local charter

¹ Compare with Secretary's review "American Municipal Tendencies."

² Constitutional amendments to the same effect have been passed by one session of the Pennsylvania legislature and will be submitted to the 1909 session.—EDITOR.

convention provided for the elimination of the circle for straight party voting. But in neither of these two cases has the necessary legislation been secured.

The prevailing tendency of legislation, both general and special, in regard to the scope of municipal function has been in the direction of increasing the powers of municipalities; but at the same time this has been done for the most part by specific enumerated grants, which require frequent additions to meet the needs of growing cities and the demands of public opinion. Thus in each legislative period there are passed hundreds of acts authorizing local street and sewer improvements, parks, garbage and sewage disposal works, additional sanitary regulations and other powers long recognized as within the proper scope of municipal action. Into the details of such statutes it is unnecessary to go.

Nevertheless there have been, during the past ten years a number of measures of greater significance. The general laws of Virginia, Ohio and Indiana grant the same substantive powers to all cities in these states; and the smaller cities are thus vested with authority to undertake such works as have been already established in larger cities. Thus municipal waterworks and lighting plants are authorized both in Ohio and Indiana. Acts of special importance for the two largest cities in the country were those establishing the tenement house department in New York City (1901), enlarging the powers of New York City to construct rapid transit subways and an Illinois law of 1903 authorizing municipal street railways.

In those states where cities have authority to make their own charters the scope of municipal authority is clearly more extensive. But in most of these states the constitutional provisions deal for the most part with the detailed method of framing and adopting charters and contain no definite statement as to the extent of the power that may be exercised. Judicial decisions have, however, held that the power to make city charters does not exempt the cities from state legislation in regard to elections, judicial courts, police, county officers or education; but in California an amendment to the constitutional

provision specifically authorizes local charters to establish police courts.¹

The provisions in the revised Michigan constitution are much more definite in expressing the scope of municipal powers, which are however granted in broad terms and more nearly agree with the principles of the municipal program than in any other state. The section authorizing home rule charters further provides that each city and village shall have power and authority "through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of the state."² Other sections

Michigan and specifically authorize any city or village to acquire and maintain "parks, boulevards, cemeteries, hospitals, almshouses and all works which involve the public health or safety," and on a three-fifths vote of the electors to acquire and operate "public utilities for supplying water, light, heat, power and transportation," transportation facilities being, however, restricted to cities of over 25,000 population.

The Oklahoma Constitution has a provision apparently more sweeping, that every municipal corporation "shall have the right to engage in any business or enterprise which may be engaged in by a person, firm or corporation, by virtue of a franchise from said corporation." But this provision will need to be supplemented by legislation granting adequate financial powers; while the Michigan constitution provides for financing public utilities by the issue of bonds beyond the general debt limit secured by the property and revenues of the utility.

In the recent legislation on municipal government there are some significant tendencies in regard to the grant of franchises in the public streets and uniform municipal accounting—two subjects given special attention in the Municipal Program.

In regard to franchises important regulations have been pre-

¹ M. R. Maltbie: "City Made Charters," in *Municipal Journal and Engineer*, vol. 18, p. 257.—J. A. F.

² Dr. Fairlie as a member of the Michigan Constitutional Convention had a large share in securing the inclusion of such excellent features as it contains.—EDITOR.

scribed in New York, New Jersey, Virginia, Indiana, Michigan, Wisconsin, Kansas and also in other states as well as in charters for particular cities, notably in the Grand Rapids Charter of 1905. The most usual provision is the limitation of franchise grants to a period ranging from 20 to 30 years in the various laws. This principle of a limited duration for franchise grants has gained rapid headway. But, in contrast with the general tendency, a recent Ohio law permits 50 year grants, and the Indiana Code of 1905 removed the limitations previously existing on the duration of future franchise grants. Requirements of public notice, competitive bidding and a popular referendum for franchise grants are to be found in a number of recent charters and general laws. But such provisions are not so general as the limitation on the duration of such grants.

Regulation by local authorities of rates and service for public utilities is provided for by recent laws in a number of states, mostly west of the Mississippi River,—Mississippi, Missouri, Arkansas, Kansas and Texas. In other cases powers of regulation have been reserved by the cities in franchise grants, most notably in the Chicago street railway agreement of 1907.

In New York and Wisconsin, the system of regulating and supervising municipal franchise corporations through state commissions has been most highly developed by acts passed in 1907.

The main tendency is thus towards stricter conditions and greater regulation of companies operating public utilities under franchise grants, though with considerable variety of method; and in this field such conditions are often imposed by state laws for the protection of the local communities from their own officials and for the protection of future generations against careless grants by the present inhabitants.

In regard to uniform municipal accounts and financial reports, by far the most important action has been the Ohio law of 1902 establishing an effective system of uniform municipal accounts in all the cities of that state, subject to the supervision of the auditor of state.

In New York, Massachusetts and Iowa laws have been enacted (between 1903 and 1907) requiring uniform

municipal financial reports to state officers; and in New York and Iowa these laws now authorize the state authority to prescribe the system of accounting. In a score or more of cities in other states various improvements in methods of accounting and financial reports have been introduced. The work of the United States Bureau of the Census in preparing its annual reports on the statistics of cities of over 30,000 population have also aided in securing comparable statistics of municipal finance. But this subject will be more fully discussed at another session of the League.

In the main, then, the principles of the Municipal Program have been steadily gaining ground. Its influence can be seen in the work of state constitutional conventions, in state laws and in charters for particular cities. In no one place, however, has it been adopted as a whole; and even where some of its principles have been accepted the details have often been modified. Indeed, in several instances, a distinct improvement has been made over the detailed provisions framed ten years ago. If one general criticism may be made of that Program, it is that the proposed constitutional provisions are much too long, and specify detailed provisions which should rather be left to regulation by statute or local action. But the fundamental principles of the Program still hold good; and should and will continue to be extended even more in the future than in the recent past.

Permanent Officials in Municipal Government

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Future historians will have no difficulty in assigning a cause for American shortcomings in the administration of cities. They will point out that in Europe great towns existed before the dawn of history; that the governments of Greece and Rome developed in the main out of urban conditions, and were always deeply tinged with municipal ideas. They will note that in the middle ages, when the national organization was essentially feudal and rural, the cities had a vitality of their own and presented the nearest approach on a considerable scale to self-government. They will observe, in short, that urban administration is by no means a new thing in modern Europe.

On the other hand, they will perceive that local government in America was at the outset almost entirely rural in character, and long continued to be mainly adapted to rural needs. The result is that while the problem of rural administration has given rise in the last half century to quite as serious consideration in Europe as the management of cities, this has been very far from the case in the United States. Local government, outside of the large towns, has followed here a course so smooth that until scholars undertook to study the subject, a score of years ago, few educated men had any clear conception of rural institutions beyond their own section of the country. The very absence of general discussion of the matter shows that although great diversity of method exists in the different parts of the nation each system has grown normally from prevailing conditions, and is fairly well suited to local needs; while in the case of cities, where conscious imitation has been far more common, discontent is well-nigh universal throughout the land.

Wide as the divergence is today between the forms of rural and urban government in America some principles appear to have been carried over from one to the other without regard to their fitness. The needs of a rural community are comparatively simple, and are readily understood by any intelligent man. This was particularly true half a century ago. The care of the roads and of elementary schools, the impounding of stray cattle, the assessment of taxes, were matters within the knowledge of everyone, and could be managed well enough by farmers of good sense chosen by their neighbors to attend to them. They required no special training, no corps of experts; and rotation in office did not seriously interfere with efficiency.¹ But such a custom is quite out of place in the administration of a great modern city, complicated as that must be by a variety of public services, most of which use the results of scientific discovery and mechanical invention. The problems arising in the supply of water, the disposal of sewage, the maintenance of streets, the provision for rapid transit, the elaborate system of public education, and the treatment of disease, pauperism and crime, are not matters with which even the most active-minded citizen is made familiar in the pursuit of his ordinary vocation. They can be mastered only by means of special training or long experience, and they can be handled efficiently only by persons who have mastered them. In spite, moreover, of any professed faith in the doctrine of rotation in office, the principle has by no means been strictly applied in rural government. Anyone familiar with New England towns is aware that there is among the selectmen continuity enough to ensure the transmission of experience; and the same thing is no doubt true of the trustees for townships

¹ Legal matters were, indeed, early left to men learned in the law; and although in the trial of cases the courts had the assistance of jurymen, they acted under the guidance of a judge. The lawyers were the first professional experts to win recognition in the public life of America, and they have retained their authority ever since. By them the people were saved from the weakness and unrest caused by committing judicial matters to non-professional bodies in the democratic commonwealth of Greece.

and the county commissioners in other parts of the country. Whereas in our cities we have constantly seen the head of a department suddenly replaced by a new man wholly unversed in the business he is called upon to direct.

Now the essential difference in the methods of governing European and American cities is to be found in the fact that the former are administered in the main by permanent experts. The way in which this is brought about is not, indeed, the same in all countries. In Germany the participation of a professional class is prescribed by law; while this is not true, as a rule, in England and France.

The case of England is especially striking, for there the statutes are almost silent about the qualifications, the tenure and duties of the permanent officials, and yet anyone who has observed closely the working of British municipal government can hardly fail to see that these men supply the mainspring of the whole machinery. The fact is very marked in the great provincial cities that are constantly held up to us as examples for our contrite admiration, and it counts for much in their large measure of success.

Shocked by the absurdity of discharging faithful employees in consequence of an election turning on questions with which their duties have no connection, Americans have become convinced of the need of civil service reform; and in order to eliminate politics they have adopted for parts of the national service, and for many states and cities, competitive examinations for appointment. But so far the principle has been applied chiefly to offices of a clerical or mechanical nature. It has not reached positions involving much responsibility or discretion, and requiring real administrative capacity, such as those of postmaster or collector of customs in a large town, and those concerned with the management of city departments. Nor is it clear that the kind of competitive examination most commonly used hitherto, even if followed by careful promotion, would be well adapted to the selection of men for such posts, because the broad intelligence and sound judgment required can hardly be measured by an examination paper designed to test immediate fitness for special

duties. But the fact that we have not yet agreed upon a method of recruiting experts of this grade has no tendency to show that we do not need them, or that when the need is generally recognized we shall not find out how to meet it.

At the present day any work of a complex nature, whether public or private, which is carried on without proper assistance from experts is certain to be inefficient. But on the other hand experts acting alone are apt to take disproportionate views. They exaggerate technical difficulties, or they tend to follow precedents and become tied up by red tape, losing touch with the real demands of the public. A government conducted solely by professional officials would be undesirable, even if our people would tolerate the idea. In order, therefore, to achieve

The Expert and the Overseer	good results, and avoid inefficiency on one side and bureaucracy on the other, the administration must contain both experts and men who reflect the general trend of public opinion.
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The proper relation between these two classes of men is easily stated, although in all probability it cannot be prescribed by statute. The current management, and for the most part the suggestion of improvements, ought to lie with the expert, but he ought to work under the constant supervision and control of unprofessional men representing the community at large. The expert ought to devote his whole time to the business, and receive a salary high enough to pay for the whole time of a man with the capacity required. The person who oversees him ought to be expected to give far less of his time. If he gives much it is because he undertakes to do himself what had better be left to the expert. Ordinarily he ought to do no more than a public-spirited citizen should be willing to do without compensation, for his duty is not to administer, but to supervise and direct the administration.

Such a relation between the expert and the layman has grown up spontaneously in the case of our great commercial and educational bodies. The president of a railroad or a bank is today an expert, and on him falls the main work of managing the corporation, but he is controlled by a board of directors taken from the business community. The president of a university

or college is also an expert, under a like supervision by a board of trustees; and one may add that this is approximately the relation that exists between the **Experience of Business Corporations** permanent head of a department in a typical English city and the committee of the council entrusted with the care of that department.

Nor is the same thing wholly unknown in American cities, for certain municipal institutions have long been conducted on that principle with marked success. This is true, among other examples, of the City Hospital and Public Library of Boston, both of which are managed by experts working under boards of unpaid commissioners appointed by the mayor.

Professor Goodnow, who has treated this subject in a very interesting way, suggests that only by means of boards of commissioners can permanence of tenure and popular non-professional administration be secured; that single-headed departments will fall into the hands either of an official bureaucracy, or of men who make their living out of politics and from lack of adequate training are often not competent to fill these offices.¹ But one may doubt whether this is necessarily true. The plan of combining an expert with a non-professional who oversees him, and making a sharp distinction between their positions, would not seem to be inconsistent with any form of municipal organization. A board of lay commissioners may supervise an expert, as in the case of the committees of an English borough council, or a single unprofessional chief may do so, as in the case of an English minister placed over his permanent under-secretary. In a small town the mayor might be the sole non-professional officer supervising the work of a corps of permanent experts, but in a city of any size this would probably be beyond his powers. There is nothing impossible, however, in his having a cabinet of non-professional assistants each of whom superintends the work of one or more permanent experts in charge of departments. The essential point is to distinguish clearly between the expert and the layman; not to prescribe their functions, but to make the distinction itself obvious, for without this the functions will not tend to adjust themselves.

¹ "City Government in the United States," 191, et seq.

Now the plan for a model charter prepared by the National Municipal League does not do this. Read in the light of

The reports which explain it, that scheme is
 The certainly designed to encourage permanence
 Municipal of tenure by the heads of departments, and
 Program yet they are evidently not supposed to de-

vote their lives to public work as a profession. They are treated differently from their subordinates, who are placed under a merit system, have some protection from arbitrary removal for political reasons, and are intended to be for strictly permanent. On the other hand no provision is made placing under them professional administrators of high grade in charge of the various services, and the heads of departments are not treated as if their duties were confined to an oversight and control of the work of such men. In short, it is not clear whether they are meant to be experts or not. It may, indeed, be hard to find either experts or laymen competent to fill these positions, Surely experts will not be anxious to serve unless they have reason to believe that they will remain during good behavior; and men who are not already familiar with the work can hardly learn to do it really well before they are likely to leave the office. Will it not be difficult also in the long run to induce men of first-rate executive capacity to give up their regular occupation and devote their whole time to public work of a different kind for an indefinite period? Under these conditions it would seem, as Professor Goodnow has pointed out in the passage already cited, that the heads of departments will probably be recruited too frequently from professional politicians rather than from professional administrators or men of proved executive talent.

To go back a step. If it is wise to combine expert and lay elements in municipal government, it is necessary to draw between them a sharp distinction based upon the essential difference in their positions. The expert is responsible for good service to his non-professional chiefs, the latter for the policy pursued to the public. The expert must carry out efficiently the work which the community has decided to do, and he must keep clear of politics in his office or out of it. He ought to hold his post permanently, being protected so far as possible from

removal, except for cause arising from inefficiency in his work or grave personal misconduct. He ought to devote his whole time to the city, preferably being forbidden to follow any profession or business of his own; and he ought to

Expert be paid a liberal fixed salary. The non-professional, whose principal function consists in bringing the expert administration into harmony with public opinion, ought to be treated in exactly the opposite way. While it is by no

means necessary in order to keep him in touch with the community that he should be frequently changed, it is proper that, as a rule, he should give an account of his stewardship, and therefore come up for reelection or reappointment, from time to time. The intervals ought to be long enough for him to show what he has done, not merely to promise what he will do, and they ought to be at fixed periods. Then, apart from the mayor of a large city whose whole energy is, of course, consumed in the general oversight of the vast municipal activities, the non-professional ought not to give time enough to prevent attention to his private affairs, and he ought to receive little or no pay for his public services. This is now the case with many commissions, or boards, which give all the time needed to their duties. There is, no doubt, a widespread feeling that a single man, who is expected to do the work of a whole board, must devote a great deal more time to it than if he had colleagues, and must have a salary; but this rests upon a misconception. So far as the collective work of a board is concerned one man can get through it much faster than five, and in a board properly organized, with a permanent executive officer, the members ought to do very little outside of its meetings.

A system of this kind would tend strongly both to discourage the ward leader who seeks to make a living out of politics, and to enlist the services of public-spirited citizens who are willing to work for their city. There are no doubt difficulties to be overcome before it could be put in operation. One of them lies in a prejudice against "permanent officials as undemocratic. But it might as well be alleged that engineers and modern inventions in war are undemocratic; that a true republic ought

to go into battle with bows and arrows against machine guns worked by experts. In fact the disadvantage at which our cities fight with great public service corporations is largely due to the difference in the caliber of the officials employed. What chance, for example, has a city represented by a solicitor, who is perhaps, changed at every election, and is paid a small salary, against a great corporation which retains the best legal talent

and pays for it many times as much? And

A Democracy what is true in a legal contest is true also of
Needs the comparative efficiency in all directions. A
Best Tools democracy, like every other community, needs the best tools that it can find, and the expert

of high grade is the best living tool of modern civilization.

There are other difficulties, of organization and of tradition, but they can be overcome. If we need a system of this kind, a system that has made the success of foreign cities, we cannot believe it impossible without admitting that reform of municipal government in America is hopeless. The first question is whether we want it or not. The first thing to do is to recognize the need, and the rest will follow. As Professor Goodnow said, in regard to the use of permanent experts in the higher posts of the national service,

That this can be accomplished by any changes in the law may, perhaps, be doubted. That it will be accomplished, as soon as an educated and intelligent public demands it, is a moral certainty.¹

¹ "Politics and Administration," p. 121.

The Initiative, the Referendum and the Recall in American Cities

ROBERT TREAT PAINE, JR., of Boston

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Direct legislation has been rapidly becoming one of the leading questions in connection with the government of our cities. This movement cannot be comprehensively studied nor fairly and fully appreciated unless, in addition to its operation in cities, its working and results are studied in states and larger political divisions. Such a study is however beyond the purpose and scope of this paper which is intended to be a preliminary sketch of the movement in American cities. Yet anyone who desires to know "facts" rather than be content with theories is advised to examine direct legislation as actually applied in the state of Oregon. Adopted in 1902, it has been put to extensive use in 1904, 1906 and 1908, with results which appear on analysis to exhibit striking political merits.

The referendum is an established principle in American political life. It is not a new fangled device as it is characterized by opponents. Apart from its state use in the adoption or amendment of state constitutions and on other important subjects, the number and variety of question thus referred in cities is so large that one who examines into the history of his own and of neighboring cities will probably be somewhat amazed as to their frequency and importance. Aside from its best-known use to decide vexatious topics like local option and prohibition, the referendum is used on financial questions like issuing bonds, and on undertaking new enterprises, like schools, hospitals, public buildings, parks, boulevards, sewers,

waterworks, lighting plants as well as on the most fundamental questions like the incorporation of cities and the acceptance of their charters. The Constitution of Massachusetts by amendment adopted as early as 1821, forbids the legislature to incorporate any town as a city except with the consent of a majority vote of the citizens of that town.

The direct legislation however to which we are directing our attention, introduces the distinction or differentiation in that the people themselves determine, and not the legislature, or the municipal legislative authorities, as to whether or not questions shall be referred through the referendum to a popular decision. The referendum is not compulsory: it need not be used unless there is a positive demand for it—a petition signed by a fixed number, or percentage, of the voters asking for it. Its use is optional. It becomes therefore a true people's veto to be used when occasion requires in the judgment of the people whether the municipal legislative authorities so wish or not. The people thus become directly sovereign in regard to the acts of their own agents or representatives.

Similarly the initiative takes its rise from an initial action by the people in those cases where their representatives appear unwilling to act in accordance with the supposed will of the community.

The authority of James Bryce is not necessary to convince Americans that the government of their cities is the conspicuous failure in American political institutions.

The Failure of Municipal Government The federal system, with its two chambers, based on the theory of checks and balances, has been found wanting. Whether or not it sufficed for earlier days of simpler requirements when the non-interference idea of government prevailed is immaterial. Our cities today face problems of utmost gravity, arising not only out of the great increase in population, but also out of the far greater demands from this congested urban population which asks for and should be granted a higher standard of comforts and necessities. Modern civilization therefore requires that city governments be aggressive, positive forces that can grapple with and solve the problems as they arise or are foreseen.

Unfortunately, in rather marked contrast with modern Europe and England, our cities have been mere creatures of the legislature with enumerated powers limited to known requirements. Therefore every new task has involved resort to the legislature. Results have been disastrous both in enfeebling the city's self-reliance and civic character, and in leading to an undue, injudicious and unjustifiable interference by the state authorities.

So well recognized has been this evil that a majority of the state constitutions now forbid the legislatures to interfere by special legislation. Owing however to the legislative device of classification this effort has been but partially successful.

In the west a remedy has been sought in a different direction, through the constitutional assertion of the independence, more or less complete, of the cities from the legislature.

<p>In 1875 the constitution of Missouri was the first thus to be</p> <p>Home Rule</p> <p>Charters</p>	<p>amended to give cities of over 100,000 population, that is St. Louis, and later Kansas City, power to decide upon their charters by a vote of their own citizens.</p>
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California followed with a constitutional amendment in 1879, but provided that these charters after adoption by the voters must be submitted to the legislature for ratification or rejection as a whole. The popularity of this move is evidenced by the vote in its favor of 114,617 to 42,076, in 1892, when the minimum limit of population, after a previous reduction in 1887 to 10,000, was still further reduced to 3400.

California further extended the power of cities over their charters by amending article xi, sec. 8, of the constitution, in November, 1906, so as to provide that an initiative petition of fifteen per cent can compel the submission to a popular vote at a regular municipal election of any proposed charter amendment.

In Oregon the constitutional amendment granting the voters of every city and town power to enact and amend their municipal charters was adopted, on an initiative petition from the people, by a vote of 52,567 to 19,852 on June 4, 1906.

Washington, Minnesota, Colorado and Oklahoma have carried

on this home rule movement. In Michigan the constitutional convention inserted a home rule section in the new constitution which was voted on and carried November 3, 1908.

But far more widespread or at least far more successful over a wider stretch of territory is the movement we are now to consider for more direct and popular control

Direct	by the citizens themselves of their municipal
Legislation	affairs. Both theoretically and practically this

movement appears justified in its aims. It gives the best promise of helping the ultimate solution of our municipal problems.

This movement is either advisory or mandatory in its operation. The advisory system was perhaps the easier to enact, but the tendency of late has been strongly towards the mandatory initiative and referendum.

The advisory system aims to secure action by city authorities in conformity with the popular judgment through milder methods than direct legislation. The voters are allowed

The Advisory	to suggest or to express their opinion on a
System	course of action without however thereby enacting

such legislation or ordinance. Such a vote is merely advisory in character and leaves the city fathers with full power to act as they think best, whether it be in accordance with or against the wishes of the people.

Winnetka, Illinois, is generally given the credit for devising the method of securing a popular decision of important questions through pledging candidates before their election to permit the reference to the people of such questions when petitioned for. The council was thus induced to pass an ordinance providing for the submission to the voters before their passage of all ordinances for franchises or for bond issues and also all ordinances for which fifty voters may have petitioned within five days after public posting before their passage.

Geneva, Illinois, extended this system to include, in addition to the referendum, the advisory initiative on any public question when petitioned for by ten per cent of the voters. Candidates are questioned and pledged before election to follow these rules.

This method has been followed by several cities. Detroit, June 17, 1902, unanimously adopted rules of procedure by which a petition of five per cent of the voters may force all ordinances granting or renewing public utility franchises, which have passed their third reading in the council, to a popular vote at the next election, and also any other measure instructing the officials. A home rule charter had been declared unconstitutional by the Supreme Court, thus depriving the city of the right granted therein for a referendum on street railway franchises. A long term extension of such a franchise was favored by a majority of the council but having pledged themselves to a referendum while candidates for office a spirited demonstration of the citizens induced them to pass the above rule. The proposal to extend the franchise was thereupon dropped in view of the threatened popular veto.

The first use in Detroit of the referendum on franchises was made November 6, 1906, when the Detroit United Railway franchise was rejected decisively,—and wisely according to the *Civic News*, a good government publication of Detroit.

Such self-denying council rules are not however either permanent or self-enforcing. A two-thirds vote may suspend them at any time, perhaps when needed most. To secure their continued annual adoption may require an annual pledging campaign. This year's manual of Detroit does not contain the rule for instructing officials through the initiative. To guarantee action by a representative government in harmony with the popular will presupposes not a voluntarily assumed obligation of a temporary and optional character, but an obligation of superior and controlling force embodied in the fundamental law or charter.

Grand Rapids, Michigan, petitioned the legislature for a new charter which was approved June 6, 1905, granting a twelve per cent referendum on any ordinance and a twelve per cent initiative for an advisory vote on charter amendments. This referendum has been used twice, once to approve of the franchise granted to the Muskegon Power Company, and once, November 6, 1906, to reject an ordinance prohibiting Sunday shows, 6895 to 6281,

Under the advisory initiative the voters have twice asked for amendments to their charter; on April 2, 1906, voting for an advisory initiative on ordinances by 6196 to 1736 and for the recall by 7142 to 1976, and on November 6, 1906, voting for the establishment of non-partisan municipal elections by 8865 to 3350. Though this question carried every precinct in a Republican city and the total vote, 12,215, was within 729 of the total cast for governor, yet the Republican legislature refused to grant the request; as it also refused the other requests.

It is stated that the above charter provisions are generally considered beneficial, though it is felt that the enactment of charter amendments should be compulsory after submission to and approval by the electors.

Buffalo, under the general welfare clause of its charter adopted, July 13, 1904, chap. 45, of the city ordinances, which is still in force, and which authorizes the submission at a general election of any questions of public policy to obtain the opinion of the electors thereon, either on the petition of five per cent of the voters or upon resolution of the council—November 7, 1905, such an advisory initiative resulted in a vote of 7767 to 1979, in favor of a municipal electric lighting and power plant. The council took no action to carry out this vote but used it to obtain somewhat more favorable prices from the existing private company. November 3, 1908, the advisory initiative asking for a new charter with the largest possible measure of home rule obtained the endorsement of 13,286 yes to 4346 no.

In Illinois, a public opinion law was enacted May 4, 1901, allowing questions to be referred to the voters of cities for an

expression of opinion on the petition of twenty-

Illinois

five per cent. Chicago has made effective use

of this authority, voting in April, 1902, for

direct primary nominations of city officers by 140,860 to 17,654

and April 5, 1904, for the popular election of the school board

by 115,553 to 58,432. Both at these elections, and April 4,

1905, April 3, 1906, and April 2, 1907, there were referendums

on the burning street railway issue. The question has been too

prominent throughout the country during all these years to

need extended comment. The first votes were overwhelmingly

in favor of municipal ownership of gas and electric lighting plants as well as of the street railways; 139,999 to 21,364, and 142,826 to 27,998 respectively, but finally after a six years' struggle the people by 165,846 to 132,720, accepted, April 2, 1907, the council ordinances whereby great reforms were promised in the service under the private management of the companies, and fifty-five per cent of the net profits was to go to the city treasury.

In Canada this advisory system has been authorized for cities by general Provincial law in British Columbia, June 21, 1902, and in Ontario June 27, 1903.

In Victoria the referendum by-law was adopted by the council December 15, 1902. Either the council or a petition of ten per cent of the voters may send questions to the annual municipal election in January for obtaining the opinion of the electors upon any question affecting the public welfare or any proposed innovation or alteration of by-laws. In 1903, 1907 and 1908, the eight hour day for city employees, the sale of liquors by retail in stores, and an increased water supply, have been voted on. The opinion thus expressed by the electors has been regarded by the council as a mandate for legislation in accordance therewith.

In Toronto, this advisory referendum has been used for questions like reducing the number of liquor licenses, paying salaries to the aldermen, and exempting dwellings from assessment to the amount of seven hundred dollars.

Augusta, Maine, has held special elections from time to time to secure the opinion of the people whenever the importance of

the issue has seemed sufficient to warrant such an election. The city clerk states that the authority is found in the clause of the city charter, sec. 34, which provides that general meetings of the citizens may be held to consult upon the public good and to instruct their representatives according to the right secured to the people by the state constitution,—to be summoned by the mayor and aldermen upon the requisition of thirty voters.

The constitution of Massachusetts, the parent state, contains a similar provision inserted in the original document of 1780, and repeated in the city charters. In the smaller cities where the ca-

capacity of a hall bears a reasonable relation to the probable number of voters expected to attend there have been numerous meetings to decide on various important matters, but it is not known that any city has yet adopted Maine's sensible expedient for changing a huge mass meeting into the modern method of booths and ballots.

The constitutions of thirteen other states contain in their bills of rights declarations more or less similar in support of the right of the voters to give instructions: Pennsylvania, North Carolina, New Hampshire, Vermont, Tennessee, Ohio, Indiana, Michigan, Arkansas, California, Oregon, Kansas and Nevada.

In Delaware, under the terms of the law, the people voted November 6, 1906, on the question, "Shall the general assembly

The Advisory System Enforceable	provide a system of advisory initiative and referendum? Though the vote in the entire state was more than 8 to 1 in its favor, the system was not authorized by the following legislature which, however, with but a single dissenting vote in the Senate, did establish for the city of Wilmington, which had favored the proposition by 10,548 to 747, a local initiative without the referendum. A petition of ten per cent carries to the next election any question relating to the affairs of the city for an expression of opinion thereon. If it receives a majority vote and is within the corporate powers of the city government, it must be put into effect without unreasonable delay. Any member of the council, or of a commission, which neglects or refuses to perform the duty therein imposed commits a misdemeanor punishable by fine, removal from office, and ineligibility to hold office for five years.
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This last provision should lessen the danger of representatives refusing to carry out the people's will, but as far as it renders the action by the council merely an obligatory and perfecting formality it would seem to approximate practically to the system of direct legislation.

Wilmington	June 1, 1907, at the city election five questions were submitted to the people: Shall the legislature be memorialized for a home rule government for Wilmington with the initiative and the referendum (8786 to 813), and for the New York system of assessing
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real estate (9037 to 757)? Shall ordinances be passed to require the publication of a complete financial statement (8324 to 569), and the bonding of assessors and collectors (8346 to 663), and the observance by the railroad companies using the streets of their franchise requirements for the repairs of the streets and improvements of their cars (8302 to 504)?

The memorial for direct legislation will be presented to the legislature when it convenes in December but the vote emphasizes the desire of the community for local autonomy. The council has adopted ordinances for financial statements and for bonding, though the court has declared the latter at variance with the state law. The mayor's office states that the requirements of the last vote are those which the city has always endeavored to enforce and it is compulsory for the street railways to live up to the provisions prescribed in their franchises.

The grants by municipal councils of franchises for public service utilities have been the cause of much anxious thought.

Optional How can they be wisely safeguarded? The
Franchise law has been appealed to limit the maximum
Referendum term and to create other restrictions. There
is a more or less general movement to require that such grants be referred to a popular vote for ratification or for rejection through a people's veto.

Iowa, which as early as 1872 had provided for a referendum on franchises for water-works, to be followed by a similar regulation in 1888 on municipal lighting plants, established in 1899 an optional referendum and initiative with reference to all similar quasi-public services. Either the council may submit the question at a general or special election or the mayor must do so on the petition of twenty-five property owners from each ward.

Indiana,¹ in 1899, established an optional referendum along somewhat similar lines.

In Ohio by an act approved by Governor Harris, April 25, 1908, no ordinances granting or extending a franchise to any street railway can become operative if within thirty days after

¹ Shibley: "Municipal Affairs," vol. 6, p. 785

its passage by the council there is a petition of fifteen per cent of the voters until it has been submitted to either a general or special election and has received a majority of the votes cast.

In Cleveland at a special election October 22, 1908, a referendum invoked against the "Security" franchise to the new railway company resulted in an enormous vote being cast, defeating the traction compromise by 38,249 to 37,544. A fuller discussion of the long struggle in Cleveland will undoubtedly be found in the secretary's annual review of important events of the year.

An amendment to the charter of Memphis, Tenn., passed March 10, 1905, chap. 54, sec. 29, enacts that no quasi-public franchise shall be granted unless approved by the voters at a general or special election if such submission has been demanded, within thirty days of its passage, by five hundred freeholders.

Nebraska carried the system to its fuller recognition of the people's right to originate or to veto ordinances of any kind when by chap. 32 of 1897, in effect on July 10,

Local fifteen per cent of the voters in any municipal
Referendum sub-division of Nebraska are authorized to
and Initiative propose any ordinance which unless adopted
Authorized by by the council goes to the next municipal elec-
State Law tion. If amended by the council both propo-
sitions go and that one prevails which receives

the larger vote provided that between them they receive a majority of all the votes cast. A petition of twenty per cent sends the question to a special election within thirty to sixty days after filing of the petition. The referendum may be invoked against any ordinance within thirty days after being passed by the council unless declared to be urgent for the immediate preservation of the public peace or health or unless items of the modern city appropriations and passed by a unanimous yeas and nays vote. The same percentages, fifteen and twenty, determine as to reference to the next regular municipal election occurring after fifteen days after filing the petition or to a special election within fifteen to twenty days after filing. This act is not operative till accepted by the voters of the particular town or city.

Lincoln adopted the provisions of this statute at the city election May 7, 1907, by 2754 to 679, F. W. Brown being elected mayor by 2632 to 2590.

Omaha accepted this initiative and referendum statute November 6, 1906, by 6373 to 1437, but no questions under it have since been brought to a popular vote.

South Dakota was the first state to embody in her constitution the provisions for the initiative and referendum, adopting the amendment November 8, 1898, by 23,816 to 16,483, whereby not more than five per cent of the voters is to be required for either the initiative or the referendum. This applies to cities as well as to the state, and the legislature the following year made provisions, chap. 94, for carrying into effect the initiative and referendum in municipalities, fixing the per cent at five per cent of the vote cast at the last election

Oregon adopted a state system of the initiative and the referendum June 2, 1902, by a vote of 62,204 to 5668. The people took advantage of its provision for the initiative and amended the constitution at the biennial election June 4, 1906, by 47,678 to 16,735, and established local direct legislation, with not more than ten per cent required to order the referendum or fifteen per cent to propose any measure by the initiative in any city or town.

Montana followed Oregon in a constitutional amendment for direct legislation November 6, 1906, with a vote of 36,374 to 6,616, and the legislature the next winter by chap. 62, provided for the application in cities and towns of the referendum on the petition of five per cent and of the initiative on eight per cent, with fifteen per cent required in either case to demand a special election.

Oklahoma in her new constitution adopted September 17, 1907, which President Roosevelt in his proclamation on November 16, 1907, declared to be "Republican in form," provides for a local referendum and initiative as well as a state system, and fixes the percentage for cities at twenty-five.

In the constitutional amendment establishing a state system of direct legislation which Maine adopted September 14, 1908,

51,991 to 23,743, sec. 21 provides that any city may establish the initiative and referendum through an ordinance ratified by a popular vote.

In Illinois under the public opinion law a vote was taken at the state election in November, 1902, upon the popular petition for a local referendum law and resulted in a favorable vote of 390,972 to 83,377. This expression of opinion was ignored by the legislature. A second vote was taken November 8, 1904, on a similar question of establishing a local five per cent people's veto and resulted in an even more overwhelming vote in its endorsement—535,501 to 95,420. The people's representatives, however, have paid no attention to these and other similar expressions of the people's wishes.

The greatest local development of direct legislation has been witnessed in the Pacific states.

San Francisco, under the home rule provisions of the California constitution, elected a Board of Freeholders December 27, 1897, to propose a new charter which was ratified at a special election May 26, 1898, by 14,386 to 12,025, and having been approved by the legislature in 1899, chap. 2 went into effect January 8, 1900. It provided for an initiative on the petition of fifteen per cent of the voters to apply either to ordinances or to charter amendments; and franchises for water-works or lighting plants, or ordinances for the purchase of land, must be referred to the next election.

The same system was copied by Vallejo through a special election December 8, 1898 (see chap. 5, 1899) and by Fresno, October 19, 1899 (see chap. 9, 1901).

The initiative and referendum system which is generally thought of when reference is made to it is that of Los Angeles adopted at a special election December 1, 1902, by a vote of 12,105 to 1955. The legislature ratified it in 1903, chap. 6. The system is elaborated in much more detail and has generally served as the basis or model for other cities which have since adopted direct legislation.

Under the initiative any proposed ordinance may be presented to the council. If five per cent petition it goes without alteration to the next municipal election. If fifteen per cent petition and request a special election it must be passed without alteration by the council within twenty days and if vetoed by the mayor re-passed by the council, or the council must call a special election at which it shall be submitted to a vote of the people. If the council passes it, the referendum may still be invoked against it.

The basis for the percentage is the entire vote cast for mayor at the last preceding general election. The city clerk has ten days in which to examine and ascertain whether the petition has been signed by the requisite number of qualified electors. If found insufficient the petition may be amended within ten days after which the clerk has a further period of ten days to renew his verification as to its sufficiency and then present it to the council, or if again deficient to return it without prejudice to the person filing it.

Any number of proposed ordinances may be voted upon at the same election, but not more than one special election shall be held in any period of six months.

Any ordinance proposed by petition or adopted by popular vote can be amended or repealed only by vote of the people, though the council may submit at any succeeding city election propositions for repeal or amendment.

The referendum applies practically to all ordinances except those declared to be urgent for the immediate preservation of the public peace, health or safety, and passed by a two-thirds vote of the council. No franchise grants can be construed as urgency measures. If a seven per cent petition is presented to the council within thirty days from its final passage and approved by the mayor, the ordinance shall be suspended from going into operation and the council shall reconsider and entirely repeal the ordinance or it shall be submitted to a vote of the electors at the next general election, or at a special election called for the purpose, and shall not go into effect unless approved by a majority of voters voting on the same.

Ten days prior to the election at which any ordinance is sub-

mitted to the voters the city clerk mails to each voter a printed copy of the ordinance with a sample ballot unless the council has ordered, in place of this, the publication in the official newspaper of the city in the same manner as ordinances adopted by the council are required to be published.

The movement thus started made rapid progress. Sacramento, San Bernardino, San Diego and Pasadena held special elections November 3, 1903, January 6, 1905, January 27, 1905, and February 28, 1905, and adopted amendments to their charters, excepting in the case of San Bernardino which proposed an entirely new charter, and the legislature gave its approval in 1905, in chaps. 12, 15, 11 and 20 of the current resolutions.

Eureka, Santa Monica, Alameda, Santa Cruz, Long Beach, and Riverside, held elections June 19, 1905, March 28, 1906, July 18, 1906, January 22, 1907, February 5, 1907, and March 1, 1907, to adopt new charters; which were approved by the legislature in its session of 1907, in chaps. 14, 6, 7, 9, 15 and 25.

In general these later charters followed pretty closely the model of Los Angeles. San Diego adopted the same percentages; five and fifteen per cent for the initiative for general and special elections respectively, and seven per cent for the referendum. Sacramento and Riverside require ten per cent for either the initiative at a general election or for the referendum.

Eureka, Alameda and Santa Cruz raise the percentage for a special election for the initiative to twenty and vary the referendum slightly by having fifteen per cent to keep an ordinance from going into effect before the election, while ten per cent allows it to become operative subject to its repeal ten days after an adverse popular vote.

Long Beach, Santa Monica, Pasadena, and San Bernardino, raise the percentage still higher to thirty for the initiative at a special election, and in general have high percentages for the other requirements, ranging from ten to thirty.

The following table may illustrate more graphically the various percentages required in the different cities:

INITIATIVE TO			
GENERAL OR SPECIAL ELECTIONS			REFERENDUM
San Francisco.....	15		
Vallejo.....	15		
Fresno.....	15		
Los Angeles.....	5	15	7
San Diego.....	5	15	7
Sacramento.....	10	15	10
Riverside.....	10	15	10
Eureka.....	10	20	10— 15
Alameda.....	10	20	10— 15
Santa Cruz.....	10	20	10— 15
Long Beach.....	10	30	25
Santa Monica.....	25	30	25— 30
Pasadena.....		30	10
San Bernardino.....		30	30

In view of the fact that the initiative and referendum have been put to comparatively rare use it would seem distinctly unwise to raise the percentages so high as to make the system almost unworkable when for good reason there should be resort to it. The 10-20-10 formula may be a conservative and moderate one though friends of the system in Los Angeles advise against increasing the percentages which prevail there of 5-15-7.

There are several variations on the general model. Pasadena allows the council to submit to the voters an alternative to the measure suggested by the initiative.

Eureka, Alameda and Santa Cruz make twenty-five per cent obligatory for an initiative petition against measures adopted by the electorate.

Santa Monica does not allow a measure enacted by the people to be amended by the council before two years and forbids a measure to be submitted a second time except by the council or on a thirty per cent petition.

Santa Cruz allows a referendum on the same measure twice within a year only on a forty per cent petition.

Alameda permits a special election if the expenses are paid in advance by the applicant for a franchise or by other persons.

Alameda, Santa Monica, Riverside and Sacramento provide that if the provisions of two or more measures which are adopted

at the same election conflict, then the measure receiving the highest affirmative vote shall control.

The experience of Los Angeles throws light upon the value of direct legislation. There has been only one special election called under a fifteen per cent initiative petition obtained by the prohibitionists who tried to close all saloons; but in this they were defeated.

At the general election December 6, 1904, four ordinances were presented under the initiative to fix the limits of slaughter-house districts. Though confusing and conflict-

The ing a local authority states that with keen
Experience of intelligence and good judgment the people
Los Angeles carried the best one by a handsome majority.

About a year ago an additional franchise of great financial and strategic value, estimated to be worth a million dollars, was given by the council to the street railway corporation. Though rushed through to catch the people napping, under the threatened use of the referendum and the recall the ordinance was revoked by the council. This spring the council granted for five hundred dollars another very valuable franchise to this same street railway company, and passed it over the veto of the mayor. A referendum petition was presented May 18, and the council having refused to repeal the ordinance it is held up and will be referred to the next municipal election. The same city council having refused to pass an ordinance compelling the street railways to properly equip their cars with efficient fenders and run at a moderate rate of speed within the heart of the city, although the accidents and mortality were said to be greater proportionately than in any other city, the Voters League secured over four thousand signatures to a petition calling for a special election, but before presenting it persuaded the council to adopt a satisfactory ordinance which has since been the cause of saving many lives. Los Angeles claims a population of over three hundred thousand which would perhaps rank it as the seventeenth largest city in the United States, approximating the size of Washington.

As the city in which the modern system of direct legislation was established first and has therefore been given the longest

trial it is interesting and instructive to see what testimony is offered as to its value. The first act of a committee lately sitting on charter revision was to resolve that the direct legislation provisions be retained intact without any increase of percentages.

Municipal Affairs, the organ of the Municipal League of Los Angeles, says that

nothing better has happened to Los Angeles than making the initiative, referendum and recall a part of its organic law. Large as was the vote in their favor, it would be many times larger should any attempt be made to eliminate them,

and points out

that to a very large extent the value of the initiative, referendum and recall lies not in the fact that they are used, but that they may be used. They are the most powerful deterrent we have against bad officials and corrupt and incompetent law making.

Two years ago a circular letter addressed to the Christian people of California says that "Civic reform and a revival of practical righteousness cannot be secured by individual or religious efforts alone, without regard to environment and practical means of working. Our duty and responsibility as voters also require us to secure a simple method by which Christian influence can be made most effective in promoting the public welfare. The best method yet proposed for non-partisan political action is direct legislation—the initiative and referendum." This circular was signed by ten leading ministers of the Methodist, Baptist, Presbyterian, Congregational and other denominations, by Bishop T. J. Conaty of Monterey and Los Angeles, and by the President of Pomona College.

The Republican mayor of Riverside which adopted direct legislation last year, but as yet has not brought any questions

Riverside's	under it to a popular vote, writes that as an
Experiences	abstract proposition he thinks there is no room
	for adverse argument, but adds,

In my judgment if the lawmakers could be elected or appointed free from any obligation to either corporations, individuals, or parties and could then make the laws plain and do away with technicalities and give a quick service of the law to all alike there would be very little agitation for what the strictly political persons call these insane and anarchistic provisions.

As no American city has yet been able to accomplish the aforesaid "if" it is probable that these "insane and anarchistic provisions"—the best method yet proposed for non-partisan political action, will continue to be resorted to by those who desire to make Christian influences effective in promoting the public welfare.

In Alameda the council voted to spend the one hundred and fifteen thousand dollars, authorized by popular vote for playgrounds, upon one tract only, at a very high price. The mayor, favoring three playgrounds in different parts of the city, vetoed the ordinance, and in the ensuing deadlock secured an initiative petition of twenty per cent of the voters by which this question was referred to popular decision at a special election May 2, 1908, when the mayor's position was sustained by a vote of 1078 to 626, which carried every precinct.

Inasmuch as the Recall has been adopted very generally as a part of the new system of direct legislation and is often referred to,

as above, as one of the bulwarks of the people

The Recall

against misrepresentative government, it may be well to consider briefly its present status in the

above cities. Papers in the 1905 and 1906 volumes of the League have described the principles of the recall as first devised for Los Angeles and later adopted in Pasadena, Fresno, San Bernardino, and San Diego, and also the first use of it in Los Angeles in the removal of a councilman.

Since then Santa Monica, Alameda, Santa Cruz, Long Beach and Riverside, as well as San Francisco and Vallejo, whose charters were adopted prior to this new movement by Los Angeles, have all inserted in their charters provisions for the recall. In four instances the required percentage has been raised from twenty-five to thirty or forty. The popular votes on its adoption have been strongly in its favor; the latest one being 22,945 to 5597, in San Francisco in November 1907, where it was proposed by an initiative petition.

The recall was invoked June 30, 1907, in two wards of San Bernardino against two councilmen. A petition for the recall was held by the court as valid in San Diego, but the term of the councilmen expired before the legal proceedings had been brought to a close.

Oregon adopted June 1, 1908, by 58,381 to 31,002, under an initiative petition, an amendment to her constitution whereby she becomes the first state to render every public officer subject to the recall by the voters of the state or of the electoral district from which he is chosen, not more than twenty-five per cent of those voting for the Justice of the Supreme Court at the preceding election to be necessary for filing the petition. The recall thus becomes available for all cities in the state.

Portland, Oregon, by its charter adopted June, 1902, provides for a fifteen per cent initiative to the general election and a fifteen per cent referendum against all ordinances for franchises or for the municipal ownership of public utilities. At the election June 3, 1907, twenty-one questions were submitted to the voters, but of this seemingly excessive number sixteen were referred by a vote of the city council and only five were due to initiative petitions. A fuller discussion may be found in our secretary's annual report of last year.

In Washington under a law passed March 21, 1903, a petition of fifteen per cent of the voters asking the adoption of a specified charter amendment, within the realm of local affairs, causes it to be submitted at the next municipal election.

A charter amendment was thus initiated in Seattle and adopted March 3, 1908, by 11,493 to 6063, providing for the referendum on ten per cent and for the initiative on twenty-five per cent to go to the next regular election. Three petitions have since been presented but were found insufficient. The recall was adopted at the city election March 5, 1906, by 9312 to 1265.

Everett adopted a city charter November 26, 1907, containing the initiative, referendum and recall by a vote of 2287 to 389. The percentages are 20, 10 and 25 respectively.

Spokane has a provision for a fifteen per cent referendum.

Denver, under the home rule provisions of the Colorado constitution, elected its Board of Freeholders and ratified the proposed charter March 29, 1904. A twenty-five per cent petition is required for either the initiative or the referendum and all franchises must be submitted to the vote of the qualified tax-paying voters and the expense of such submission paid in advance

by the applicant. At the general election May 15, 1906, under a petition with twenty thousand signatures an initiative ordinance was voted on which had been drafted by the Municipal Ownership League fixing maximum charges for gas, electricity and water, and providing for children's half-fare tickets on the street railways.

The initiative and referendum have been given a great impetus through another movement which has aimed by establishing a commission form of government to lessen inefficiency, waste and corruption through concentrating power and responsibility upon a small body of men.

**Commission
Government
Charters**

The commission system was first authorized for Galveston in a charter granted by the Texas legislature in 1901. A full account of this plan in its operation there may be found in the 1906 and 1907 volumes of the League. The referendum is obligatory on proposed issues of bonds which must be approved by a majority of qualified taxpaying voters.

The example of Galveston was followed by other cities in Texas. Houston in 1905, and El Paso, Fort Worth and Dallas in 1907, obtained charters for a commission government, and Waco voted for it this spring.

San Antonio in a new charter of 1903 provided for a ten per cent referendum to apply only to franchises and suspending the operation of the ordinance until it has been ratified by a majority of all voters. Houston introduces a variation in that the referendum, on all franchises, is available on the petition of the definite number of five hundred voters, while El Paso introduces a further variation in making the referendum depend on four hundred voters who are taxpayers; or on the volition of the council itself. Fort Worth provides a twenty per cent referendum and also a twenty per cent recall. Greenville and Denison in their 1907 charters for a council of a mayor and two aldermen provide, the one for a referendum on franchises on the petition of one hundred voters, and the other for a twenty per cent recall. Dallas follows the California model more closely in allowing an initiative to the general election on five per cent with fifteen per cent for a special election, and a referendum

on franchises on a petition either of fifteen per cent or of five hundred voters, and doubles the time within which to petition by making this period sixty days; and also has a thirty-five per cent recall.

The final form by which the commission plan of government is at the present time being generally combined with direct legislation, and often with the recall of the Los Angeles type, has been made prominent by Des Moines. By a law passed March 29, 1907, Iowa permits all cities in the state with a population exceeding twenty-five thousand to adopt by popular vote, on a petition of twenty-five per cent of the number voting at the preceding city election, a charter which is set forth in the act.

Des Moines adopted this charter June 20, 1907, by 6044 to 4143, and it went into effect the following March. The initiative requires a ten per cent petition for the general election and twenty-five per cent for a special election. The referendum may be demanded by a twenty-five per cent petition presented within ten days after the passage of the ordinance objected to. Twenty-five per cent is likewise required to bring the recall into operation. At the election November 3, 1908, there were three referendums voted on and carried by decisive majorities. An interesting incident was the voting of the women on these questions in accordance with the terms of the charter.

Cedar Rapids is the second city in the state to adopt a similar charter which went into effect April 8, 1908, and according to the mayor has been universally satisfactory.

Sioux City voted against the acceptance of a commission charter 567 to 533.

South Dakota passed an act, chap. 86, in 1907, that is very similar to the one in Iowa, but the percentages are considerably lower. Cities are allowed to adopt the "commission form" charter at special elections held under an initiative petition of fifteen per cent. Both the initiative and the referendum are brought into use on a five per cent petition, and a period of twenty days is allowed; while the recall requires fifteen per cent.

Sioux Falls voted September 29, 1908, by 857 to 353, to incorporate under this charter.

Lewiston was given a new charter by the Idaho legislature, March 13, 1907, providing for a mayor and six councilors elected at large. The initiative petitions of five and fifteen per cent call for action at general and special elections respectively. The referendum may be invoked within thirty days against franchises and real estate ordinances on petition of three hundred voters. The recall requires twenty-five per cent. Under the initiative a special election was held November 5, 1908, on the petition for an ordinance designed to secure prohibition throughout the city. The ordinance was defeated.

Kansas passed an act March 2, 1907, setting forth a commission form of government and permitting all cities of the first class to adopt it by a majority vote at a special election. A ten per cent referendum is authorized on all franchise ordinances within sixty days after their passage and the entire expense of the city election must be paid in advance by the franchise applicant.

Leavenworth adopted the act February 11, 1908, by 1932 to 1585, but Wichita rejected it, December 3, 1907, by 3266 to 1218.

In conservative Massachusetts two cities have blazed the way to direct legislation in the charters which they have just adopted.

Haverhill was the first to accept the new law, chap. 574, by a vote of 3066 to 2242, at a special election October 6, 1908, following the model of Des Moines exactly in the various percentages required for the initiative, the referendum and the recall.

Gloucester accepted chap. 611, on November 3, 1908, by 1762 to 1400. Twenty-five per cent is required for either the referendum or the initiative, and the recall is not authorized.

Kansas City elected a Board of Freeholders under the home rule provisions of the Missouri constitution and adopted the charter prepared by them at a special election August 4, 1908, by a vote of 14,069 to 5219. The recall which was submitted as a separate proposition was lost, not receiving the necessary four-sevenths of the total vote, the figures being 4099 to 2724. All franchises are subject to a twenty per cent referendum within sixty days and if a special election is called, the expenses must be borne by the person or corporation in whose favor the ordinance is enacted. A ten per cent initiative petition can

cause amendments to the charter to be submitted to a general or special election at which they must be accepted by a three-fifths majority of those voting.

North Dakota and Mississippi are other states that in 1907 (see chaps. 45 and 108), provided for a popular initiative of ten per cent to call for special elections to act on the question of adopting commission government charters in cities.

Wisconsin, in chap. 670, 1907, authorizes the same popular initiative of ten per cent to bring before the voters of any city the question of accepting that act which forbids party designations on nomination papers or official ballots.

At the other extreme from the commission form of government is the plan adopted at Newport, Rhode Island, June 6, 1907, by

a vote of 1804 to 1161, where the representative
Newport's council consists of the unusual number of one
Representative hundred and ninety-five members elected from
Council the five wards, with a mayor and five alderman.

One hundred electors may initiate a petition for any ordinance or expenditure of money exceeding ten thousand dollars and if the council refuses to pass it, a second petition of three hundred electors, or roughly six per cent, causes the proposition to be referred to special ward meetings of the qualified electors. All votes of the council requiring the expenditure of a similar sum, in addition to the regular appropriations, are subject within seven days to a referendum petition of one hundred and fifty electors and must then be referred within thirty days to special ward meetings.

Other cities are now considering the adoption of direct legislation under new charters; among them being Milwaukee, Wis., Berkeley, Cal., and St. Joseph, Mo. No instance is recorded of any city rejecting direct legislation after having once adopted it and tried it.

Special elections should not be held except when the questions
to be presented are of extreme importance and
Special such as to arouse the community to exhibit
Elections its interest by a large vote. Under such conditions special elections are justifiable because they further tend to keep the questions out of politics and allow

them to be settled on their merits. Therefore the percentages requisite for summoning special elections should be comparatively high, while in other cases they should be reasonably moderate, and the time within which a referendum petition may be presented of sufficient length so as not to make the burden unreasonably arduous or impracticable. Experience shows that neither the initiative nor the referendum is abused by an excessive number of petitions.

Nearly every form or combination of forms in municipal government has been tried and hitherto has been more or less of a failure. Two fundamental difficulties have been experienced. The masses of the voters have been unfortunately divided by allegiance to and consideration of national or state partisan organizations. The influential and property classes have too often had financial interests at stake in the quasi-public service corporations which have prevented them from considering municipal questions with an eye solely to the general welfare of a community.

Direct legislation is of immense gain in concentrating the attention of the voters upon measures and not men. Partisan considerations can no longer dominate. Instances are numerous where party candidates have won, but the measures they advocated or had passed have been defeated.

Not only is the interference of national partisanship in municipal affairs very largely reduced and neutralized by the initiative and the referendum, but there is a simultaneous movement for its elimination by legislative enactment. The charters of the Des Moines character expressly forbid partisan designations upon the ballots.

The Washington Situation.¹

JAMES BRONSON REYNOLDS, New York City,
Special Sociological Adviser to the resident.

The changes in the government of the national capital herein proposed, were the conclusions reached after an investigation, which I undertook at the request of the President. The investigation related particularly to social conditions, but authority was also given to recommend changes affecting the machinery of the government.

In considering the absolutely unique government of the city of Washington, alias the District of Columbia, I wish to make four observations regarding its general character

1. Washington is at the present time only a geographical expression. It is, as usually understood, Washington, synonymous with the District of Columbia an Expression which is at once a city, a county, a territory and a state. The functions of its government include many of the essentials of all these divisions of our political system. The functions of state and city predominate, but its chief officials are appointed as in case of a territory. The chief and most densely populated section of this complex political unit is known as the City of Washington, but it includes a further geographical expression, called Georgetown, and an extended outlying district. Hence the problem and concerns of the local government are primarily those of a city with such supplemental machinery as is required for county, territorial and state government.

2. The citizens of Washington have no direct share in its government. There is not even an elected, territorial legisla-

¹ Proposed changes in the government of the national capital.

ture. The only instruments for the expression of public sentiment are the press, local civic organizations and the appeal of individual citizens to the President or to the Congress. It was not within the scope of my authority to investigate the desire of the citizens of the District for self-government, but I believe such desire exists, though it has not been organized, persistent, or aggressive. Furthermore, serious complications would arise in determining the basis of the franchise, and both the national parties are evidently not disposed to put themselves on record in connection therewith.

3. The ultimate governing powers of the District government are the President and the Congress. The President appoints the district commissioners subject to the approval of the Senate. The further interest of the President can be only occasional, though I have been in a position to know that **The President's Interest** President Roosevelt has given much thought to District matters, and has stimulated enterprise and progress and the introduction and passage of laws bettering social conditions. His recent appointment of a Homes Commission is but one illustration of his active interest.

The power of the Congress is legislative and is exercised through the committees on the affairs of the District of Columbia, of the Senate and the House. Legislation recommended by these committees is usually accepted by the Congress without much debate. The Congress has granted to the District Commissioners the powers to pass municipal ordinances and administrative regulations.

4. The executive powers of the Washington government are vested in the three Commissioners appointed by the President. These commissioners act collectively in matters of major importance, exercise the legislative powers above named and supervise and direct the various departments and bureaus of the District Government. The department of education was formerly under their jurisdiction, but a recent act of Congress has made it subject to a board of education independent of the district commissioners.

The principal changes proposed in the government of Washington, that is, of the District of Columbia, are these:

1. The substitution of a governor for three commissioners of equal authority.

Changes Proposed 2. The extension of eligibility for the chief executive office, so that the President may have power to appoint as governor either a resident of the District or a non-resident who has served at least one term as mayor of a city of not less than 50,000 inhabitants.

3. The creation of distinct departments with proper salaried officers at their head in the place of Bureaus apportioned among the three commissioners as at present.

4. The creation of a municipal council composed of the Heads of Departments.

5. The creation of a new municipal department to be called the department of housing and labor.

It will be noted that the first four recommendations relate to changes in the machinery of government, while the last deals directly with the problems of social reform. I shall make only brief comment on the first, third and fourth, dwelling more at length on the second and fifth, as presenting appropriate topics for discussion before this convention.

The substitution of a single executive for three commissioners of equal authority would be a step so clearly in the interest of definiteness of responsibility and of efficiency, as hardly to need discussion. Definite responsibility and efficiency are fundamentals of all good municipal government, and municipal reformers, are, I believe, of one mind as to their importance.

A Single Responsible Executive I may state that I am not judging recent experiments made in a few cities of electing heads of departments and making them a board of control. Such elected officials, if I am rightly informed, are supreme in the main concerns of their own departments and their responsibilities are definite, so far as they go. The complaints most frequently made to me regarding the government of Washington, were the inability to determine responsibility and the delay occasioned by the fact that all important responsibilities were threefold rather than single.

The creation of distinct departments under one head in place

of several departments and bureaus under one head is recommended because of the great increase in population in Washington since the establishment of the present form of government. The proposed plan would give seven commissioners, each the clearly recognized head of a department in place of three commissioners having divided authority over two or more departments. Such heads of departments could easily be drawn from present competent bureau chiefs and from the group of able citizens who have taken an active interest in the affairs of the District.

The creation of a new municipal council is a necessary result of the proposed abolition of the offices of the district commissioners who have the power to pass ordinances.

A Municipal Council It is proposed that the seven heads of departments should constitute the municipal council.

The present council composed of the commissioners gives public hearings on important measures, but its sessions have not been public. The recommendation is that the regular sessions of the council should always be public, any citizen having the right to attend.

The determination of eligibility for the position of governor of the District of Columbia merits careful consideration. Under the present system two of the district commissioners "must have been actual residents of the District for three years before their appointment, and have during that period claimed residence nowhere else." The third is detailed by the President from the Engineer Corps of the United States Army. The governor to be appointed would be the chief executive of the national capital. The position would be one of dignity demanding a high grade of efficiency and experience in municipal affairs. As Washington is the national capital, the national government paying half the expenses of its administration, and the national legislature passing its laws, it would seem appropriate that this official should be chosen from the entire country and that eligibility should be limited to successful municipal executives. In other words, it would be a position where the merit system would most appropriately apply. It is on this ground that I recommended that while citizens of the District should be

eligible as before, the field of eligibility should be extended to include those who have served not less than one term as mayor in a city of not less than 50,000 inhabitants. The further principal reasons for this recommendation are the following:

1. The successful experience of American cities which have imported municipal officers from without solely on the ground of their demonstrated merit. Such alleged violation of home rule has always encountered violent opposition. Local patronage hunters and exponents of local pride, array themselves against the importation of outsiders, and home rulers urge the peculiar demands of "peculiar local conditions." Occasional mistakes are of course made, but I believe it can clearly be shown that they are not to be charged against the principle of selection. In one department of municipal administration, that of education, the selection of officials on merit without regard to residence has been accepted or tolerated and is now largely practiced in many of our cities. Washington itself, for instance, has contributed many of its best school teachers to positions of importance in the school system of other cities. Its home rulers and local pride experts do not object to this side of the application of the principle.

Heads of departments also have been occasionally sought by our larger cities. One of the most successful instances of what might be termed this principle of national selection for local office was the call of Col. George E. Waring to become street cleaning commissioner of New York. Violent opposition was made by all the local pride element, and there was the usual talk of the inability of the outsider to understand the peculiar conditions of our city. Without attempting at all points to understand these peculiar conditions, Col. Waring devoted himself to dealing with the public question of cleaning the streets. He disregarded the local judgment based on long experience, that the streets could not be cleaned and he cleaned them. But he went further, he aroused the citizens to an understanding of their local needs never before appreciated, and he brought the freshness of viewpoint of the outsider and the outsider's freedom from local entanglements and intolerance of long entrenched

local abuses. Thus it may fairly be contended that if the outsider labors under certain possible disadvantages at the start, he may bring other more than compensating advantages.

2. The experience of the larger German cities, generally admitted to be the best governed in the world, in drawing their mayors from among those who had earned experience and achieved distinction as mayors of smaller cities. The mayors of German cities are elected by the municipal council and it is a uniformly accepted principle to choose the mayors of larger cities from those who have successfully administered the affairs of smaller cities. The present mayor of Berlin, for instance, be-

gan his career, if I recall correctly, as mayor of
German Dusseldorf and was subsequently mayor of
Precedents Leipzig. His success in both cities led the
 municipal council of Berlin to invite him to
 become its mayor. I learned that he was highly esteemed
 by those elements of the Berlin populace which might be pecu-
 liarly sensitive to any ignorance or indifference on the part of
 the chief executive to the local needs of the metropolis. The
 mayor of Frankfort also had service in two smaller cities before
 being called to take charge of the affairs of the most prosperous
 city of Germany.

3. Our present conception of the qualifications for the office of chief municipal executive. A steadily increasing number of our citizens recognize that city government is a business which like all businesses demands special experience and training. We do not put a man at the head of a large business who has no expert knowledge of that business. The government of the national capital is a large business and its head should not be a novice at his trade. He should be appointed because he has had requisite experience and training in this particular branch of public service and has demonstrated his knowledge and ability. Those familiar with municipal progress in our country are aware of the increasing number of able municipal executives who are being developed in our cities. Such executives at the end of one or two terms have no opportunity in the line of their successful experience. From this wide field of eligibility might be appointed by the President one of pre-

eminently successful achievement, who would be worthy of the high honor of being the chief executive of the national capital.

My final recommendation was the creation of a new municipal department, to be known as the department of housing and labor. My conviction of the need of such a

**Department
of Housing
and Labor**

department is based not merely upon my investigations in Washington, but also upon a ten years' study of conditions and needs in New York City, together with a somewhat extensive observation of the governments of the principal European capitals. It is my belief that there exists in Washington, and the same is true of all our large cities, the need of coördinating into an efficient, well administered department, all those instrumentalities for the protection of the independent industrial class which neither seeks nor desires charity and which at present receives wholly inadequate protection. For the victims of misfortune we have provided our department of charities. For the delinquent members of society, we have our department of corrections. But for those who are neither dependent nor delinquent, but through accident or misfortune may become either or both, we show the most meager public interest. Perhaps the most impressive and instructive lesson which came to me from ten years' residence in the most congested section of New York City, was the realization of the extent of the truth of the scriptural statement, "the affliction of the poor is their poverty." Pitfalls surround the poor which neither entrap nor endanger the well conditioned. If the poor man when out of work resorts to the employment agency, if in temporary embarrassment he goes to the pawnshop, or the loan company, or if in prosperity he joins a Mutual Benefit Society, the chances are that he will be exploited or swindled out of his hard earned money. Our increasing knowledge of sanitation and our recognition of its value have caused us to give the workman better care in his home and in his workshop. But the protection given to them should be much better, and in my judgment the service to that end might wisely be connected with the service for the safeguarding of the industrial class in the above mentioned

business relations. To make clearer my plan, may I comment briefly on the bureaus proposed in connection with this Department?

The District of Columbia being both a city and territory should have the best features of both forms of government. A bureau of statistics fulfilling the functions of the state

The Bureau of Statistics labor bureaus would, through its trained staff, investigate those industrial problems for which the District at present has no special machinery, and thereby facilitate a more thorough consideration of them by the public authorities than is possible under existing arrangements.

This bureau should enforce the laws regarding tenements, small houses, alley shacks and alleys. The recent experience of the New York City Tenement House Department shows that the supervision of these

Bureau of Housing houses by a special department defines responsibility and brings better results than when a general building department controls all classes of private buildings.

This bureau would exercise the double function of the protection of the industrial classes and minor government employees in

Bureau of Labor their dealings with employment agencies, pawn-shops, and loan companies, and of the inspection of factories, workshops and stores.

Employment agencies, pawn-shops, and loan companies in this country have thus far generally been under police oversight. Except for such police supervision the defects of these concerns are usually ignored or their correction is sought through private

Public Employment Agencies philanthropy. In Europe, on the contrary, their economic importance is so well recognized that employment agencies and pawn-shops are usually public institutions ably managed by trained officials.

Until recently public employment agencies were not a success in this country because of inadequate appropriations and political manipulation. The Massachusetts State Employment Bureau as at present administered, however, compares favorably

with European public agencies and its value to employers and employees throughout the state has led the Massachusetts legislature to authorize the opening of branches in the leading cities of the state. The time has perhaps not yet come for a public employment agency in Washington, but its existing private agencies should be placed under a bureau commissioned to promote and supervise the adjustment of the supply and demand of labor as well as to prevent frauds against employers and employees.

Pawn-shops are the laborer's chief resource for raising money in time of need. They are a business necessity under existing

conditions, but their terms are oppressive, their rates of interest exorbitant, their contracts often purposely obscure or tricky. The public pawn-shops of Europe on the other hand, grant moderate loans upon reasonable conditions and are honestly managed in the interests of their customers. Equally satisfactory results have been achieved in this country through semi-philanthropic enterprises such as the Provident Loan Society of New York. But private philanthropy can not cover the entire field and the ends desired must be obtained through public pawn-shops like those of Europe or through comprehensive public supervision of private pawn-shops. The private pawn-shops of Washington have the defects of their class. Their supervision should be not that of the police merely, but of an authority having the broader powers that I recommend for the above-named bureau.

Loan companies may be placed in the same category with pawn-shops since they make small loans to borrowers having limited means. Without detailing many complaints made to me of recording the special defects of these companies, I recommend for them the same comprehensive supervision as for pawn-shops.

I have urged the importance of what might be termed constructive supervision of employment agencies, pawn-shops, and loan companies, because of the demoralizing effects of their methods upon those with whom they deal. In the last analysis the public as usual pays the bill for the poverty and

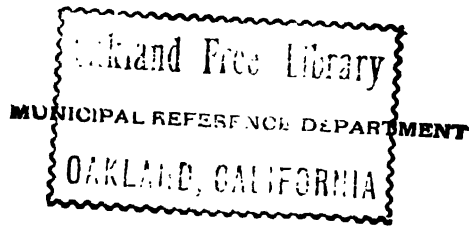
crime engendered. These impositions might be removed and the public benefited instead of injured through intelligent, comprehensive supervision in the interest of all parties concerned.

Of equal importance to the laboring classes is the second function of the bureau of labor; namely, the inspection of factories, work-shops, and stores and the regular supervision of all places where women and children are employed.

The evils of insurance administration on the side of high finance have been liberally revealed in the past two years.

Equal attention might advantageously be given
Bureau of Insurance to the economic features of insurance in their effects upon the laboring classes. I refer particularly to industrial insurance companies, and benefit societies. The disproportionate expense of the weekly collections of the industrial insurance companies, the frequent misuse of the policies on the death of the insured, the frauds practiced by undertakers, the unscientific, actuarial basis of many benefit societies all merit careful and constant attention. For the legitimate welfare of the industrial classes all these features of insurance should be brought under the regulative attention of the bureau of insurance.

For the protection of our industrial class and for the welfare of society as a whole, these interests and concerns of the poor should be adequately safeguarded and their efficiency and proper service promoted.



The Wisconsin Public Utilities Law

By DR. B. H. MEYER

Chairman, Railroad Commission of Madison, Wisconsin

The public utilities law of Wisconsin was enacted July 9, 1907. It confers jurisdiction upon the commission over companies producing or transmitting light, heat, water, power, and over telephone companies. The railroad commission law of 1905 conferred similar jurisdiction over steam and electric railroads and all instrumentalities of transportation connected therewith as well as over telegraph and express companies. Both the railroad commission law and the public utilities law, together with some thirty-five additional statutes, are administered by the railroad commission of Wisconsin. When the duties and powers of the commission were very greatly extended in 1907, through the enactment of the utilities law and other statutes, the name of the commission was not changed. While, therefore, the railroad commission is in effect a public utilities commission, performing all the duties and functions which such a commission may well be imagined as performing, it is still legally the railroad commission.

The general legal and administrative principles which underlie the railroad commission law also underlie the public utilities law. Like the railroad commission law, the public utilities law imposes upon the respective managements of private and municipal plants the duty of establishing reasonable rates and regulating reasonably adequate service in the first instance. The initial responsibility lies with the managements, who must select the agencies, materials and methods through which the service is provided. All rates, rules, regulations and service may be challenged at any time, and revised or modified by the commission. The theory of the law and of its administration

is to place the respective managements on the defensive, throwing the burden upon them to justify their rates and service whenever the issue is raised before the commission. The commission may act both upon complaint and upon its own initiative with respect to all matters relating to public utilities.

The most important provisions of the public utilities law may be grouped about for leading heads, namely, valuation, accounting, rates and service.

The law imposes upon the commission the duty of valuing all the public utility plants in the State of Wisconsin. Up to the present time by far the greater number of plants which have been valued were valued in connection with proceedings in which they were involved. Naturally this order of valuation will soon have to be broken when the number of complaints involving rates will probably decrease and the commission can then take a survey of the whole field and systematically complete the valuation of all the plants as contemplated in the law. Such valuations must be published within five days after the same have been determined by the commission.

The first, and perhaps most important, step in the valuation of these plants is the valuation of the physical property. The law requires a valuation to be made of all the property used and useful for the convenience of the public. Perhaps in all cases the great bulk of such property is the physical property. At the outset, the engineers of the commission solicit the aid of the engineers of the various companies and preliminary conferences are held, at which all the parties in interest are represented for the discussion of ways and means of making the valuation at the least possible expense to the state and to the companies and with the least possible interruption of the routine work of the utilities. In part jointly with the State Tax Commission, the railroad commission maintains a considerable engineering staff, which is subdivided into teams, each team devoting itself to a particular branch of the work of valuation. In addition to these there are, of course, inspectors, to whom reference will be made in another connection. Where the companies have made a careful inventory of their property,

the engineers of the commission take this and check it up and test it in the field and in the office item by item. This has been the general rule, and it is a matter of satisfaction to be able to state that in several instances of the valuation of important plants the differences between the company's staff and the commission's staff were so slight that little time was devoted in formal proceedings before the commission to the inventory or physical valuation. In other cases again, many apparently irreconcilable differences developed and much time of the commission had to be devoted to the taking of testimony with respect to the items in dispute.

Thus far only one valuation has been made for the purpose of acquisition of a private plant by the municipality under the indeterminate franchise provisions of the law. In connection with this work the engineering staff of the commission has collected and compiled elaborate data relating to prices and lives of all the constituent parts of the physical plants of all the different classes of utilities. These data constitute one of the most valuable resources within the reach of the commission upon all questions of physical value.

In addition to the physical value, there naturally arise the questions of the value of the franchise, good will, and going value. Thus far, practically no utility man-
The Valuation of Franchises agements have claimed franchise value to be used by the Commission in the establishment of rates. The element of good will has scarcely been mentioned as an element separate and apart from going value. Incidentally, it may be remarked that the statutes of Wisconsin treat all utilities, except telephones, as monopolies, as shown by the provisions of the utilities law relating to indeterminate franchises and the granting of the certificate of convenience and necessity. The telephone business is, however, still subject to the inroads of competition, and so far as the statutes are concerned, it is technically a competitive business. It is, therefore, not impossible that in the valuation of telephone plants, an element of good will, using this term technically, as something different than "going value," may have to be included, which will probably have to be excluded in the case of all other classes

of utilities. In fact several companies have explicitly stated in their testimony that they made no claim of franchise values and good will. Under the head of going value, representations have been made to the effect that all the way from 5 to 100 per cent of the physical value should be added in order to arrive at the true and lawful value to be used in the establishment of just and reasonable rates. The widest range of reasoning is embraced in this class of testimony now before the commission.

If any one tendency in this testimony may be characterized as typical as compared with other tendencies represented in the same testimony, it is the tendency to make a going value stand for expense which has been incurred for outlays and services in connection with the upbuilding of the business of the utilities, and in return for which no adequate remuneration has hitherto been made. In other instances, going value has been represented as something very real, existing in connection with every plant, entirely independent of expense, past losses or profits and capable of fairly definite quantitative determination. Since the Wisconsin commission has not yet formally declared an official opinion with respect to these intangible items of value, it will not be possible to discuss these topics in greater detail or at greater length at this time. The commission has not yet made up its mind.

The law gives the commission the power and it makes it its duty to prescribe uniform forms of accounts for all the public utilities operating within the state. Soon after the enactment of the law, the various utilities submitted financial statements to the commission, which in a measure, gave some indication of the extent and character of the accounts kept by them. Since that time a number of conferences have been held and a great deal of detailed work has been done under the direction of the Commission, but the final accounts have not yet been officially promulgated. The titles of the leading accounts were sent out to the different companies some months ago in order that the respective managements might begin to shape their books with reference to the same, and it is hoped that in the not distant future the final forms may be submitted. The theory of this

system of accounts is that the books shall be kept in such a way that after the physical value of a plant has once been ascertained the valuation will be kept up practically in a systematic way, so that the commission, or any other authority, may see from year to year exactly what the financial condition of any particular plant is. The system of uniform accounts applies both to private plants and to municipal plants. This feature of the law is especially noteworthy in that it at last makes it possible to establish a comparable basis for public and private plants. Investigations made thus far by the commission show that not only does great variety exist among the private plants, but also among the public or municipal plants, and that the accounts of the municipal plants are, in many instances only partial accounts, not showing all the operations and expenses of such plants. While this is generally true, it can best be shown from the water works investigations. In eight Wisconsin cities of over five thousand population, the municipal water works accounts show that there is no credit given for public service, four of these showing a deficit for the year, which in three cases would very likely disappear and show a surplus, if the plant were credited with revenues which justly belonged to it.

Out of fifty-six municipal water plants in cities under five thousand population, thirty-three reported a deficit for the last fiscal year. Of this total number twenty-five cities did not credit the plant with any earnings for public service and of these twenty-five city plants, twenty-two showed a deficit. Twenty-eight municipal water plants showed no general expense whatever, such service being furnished by other city employees. Under the proper separation of accounts and the adoption of a uniform system, an entirely different situation, just to the city and to the plant management, would be revealed.

As previously suggested, the managements of the private companies and municipal plants establish rates in the first instance. Such rates are subject to revision by the commission, either on complaint or on the initiative of the commission. The commission has been endeavoring to elaborate the principles upon which just and reasonable rates should be based for all the different

Rates

utilities, and in a considerable number of instances schedules have been prescribed in which these principles are discussed. Many more schedules are still under consideration, and the commission hopes that in the not distant future all the utilities operating within the state will make their rates in accordance with uniform principles representing the latest and best which scientific methods and scientific thought can contribute.

With respect to service, the commission has put into effect a series of rules regulating gas and electric service. Other rules and regulations applicable to the other utilities may be adopted in the future. The rules relating to gas and electric service

Service prescribe certain standards for gas pressure, quality of the gas, voltage, care of the lamps, lamp renewal, records of complaints, disturbance in the service, etc. A full and complete administration of this feature of the commission's work will ultimately require a considerable inspectional staff. This the commission does not feel justified in employing at this particular time, but it has decided to employ a few competent inspectors who shall do thoroughly intensive work, the result of which can be placed before the legislature and the legislature may then determine whether or not it is in the interest of the citizens of Wisconsin to have the commission proceed with the more elaborate inspectional work covering the state as a whole. The results of these inspections show the widest variations in the character of the service and many conspicuous failures to provide anything like what may be characterized as adequate service. In illustration of this, reference may be made to the above mentioned decision of the Commission in the matter of standards for gas and electric service in the state of Wisconsin in which tables are presented which show the results of the preliminary tests.

All orders of the commission are subject to appeal. Thus far, only three of the decisions under the railroad commission law have been taken into court, and no utilities decisions. Such appeal is taken first to the

Appeal to circuit court and then to the supreme court.

Courts

The law provides that the record before the commission shall be the record before the court, and if new

testimony should be introduced before the court, through such introduction and determination of the fact that it is new testimony, a case is thrown automatically back before the commission for revision of the original determination on the basis of the new testimony.

One of the three railroad cases, above referred to was finally determined by the Supreme Court of Wisconsin in an epoch making decision handed down in June 1908. This decision discusses the order of the commission under review; it analyzes and interprets the salient provisions of the statute creating the commission; it meets in the broadest and most progressive manner the arguments relating to constitutional limitations and the allegations regarding the exercise of legislative power by the commission; it brings into clear perspective the rights of the companies as well as the rights of the public; and in substance it declares that even though on the given facts the court might decide a case differently from what the commission does, if no errors of law have been committed, and the question is one regarding which reasonable and competent men might differ, the court will not set aside the order of the commission. In other words, the court may feel that the commission should have rendered an opposite decision, yet, within the limits of the law and discretion of the commission, it will sustain that decision.

So far as I know this decision stands practically alone in this country in the breadth of the views expressed with respect to the regulation of public utilities and the extent of the support it gives to the administrative authority charged with that regulation. There were two concurring and one dissenting opinion.

Generally speaking, the information collected by the commission and the service performed by it and its staff have tended to make the office of the commission a clearing house between the public and private plants and municipalities. While the law expressly retains to the municipalities power to control the various kinds and character of service rendered and to be rendered, the power to prescribe conditions under which streets are to be used, extensions made, etc., an appeal lies in all such cases to the commission whether a muni-

**The Commission as a
Clearing House**

cial or private plant is involved. It has been the endeavor of the commission to cooperate with the local authorities and the companies along all these lines. The law has been in effect only a little more than a year and a half, but even now there exists a steady increase in the lines of communication between the local managements of private and municipal plants and city and village authorities and the commission. The information which has been collected and compiled by the commission is placed at the disposition of all citizens of the state in the most convenient form. The use of this information by local authorities and citizens has, in a number of instances, obviated the necessity of making complaints. In other instances, it has led to changes in the plant equipment and service. Various lines of cooperation between the commission and the municipalities are discussed in a paper before the Wisconsin Municipal League in September, 1908, to which reference may here be made.

In addition to reasonable rates and reasonably adequate service, among the results which the operation of the law has already shown and which the future may be expected to bring into evidence still more, may be mentioned the following:

1. The Wisconsin legislation has taken the utilities, as well as the railroads, out of politics. I do not believe that many citizens can be found in the State of Wisconsin who would seriously claim that in either the primary campaign or in the campaign preceding the present November elections, the utilities as such had entered into politics. All students of municipal affairs well know that in this elimination of politics from the management of the utilities we have removed one of the greatest and most persistent sources of corruption and bad government.

2. The utilities law tends to eliminate feuds between the citizens and the managements of public and private plants. The law assures to all communities good service at reasonable rates. This is placed within the reach of all impartially, whether the commission advances or lowers the rate. The basis of its findings is published in every instance. These published facts should suffice to convince, and I believe does convince the average citizen of the reasonableness and justice of the decision, if it is

reasonable and just, and whether he likes it or not, he must abide by that decision. In this respect, cases affecting utilities are quite different from the most of the cases affecting railroads. In the case of utilities the controversy frequently degenerates into a bitter and partisan feud, affecting the entire population, which blinds both sides to a proper comprehension of the facts and to a sense of justice. Proceedings before the Commission tend to clarify and educate public opinion.

3. The public utilities law raises the standard of morality through the eradication of the evil of discrimination, and the

**Raises Level
of Morality**

protection of a reasonable rate. To those who are quite familiar with the past evils of discrimination in railway rates, the extent of the discriminations in the rates and service of utilities may be almost beyond comprehension. The whole State of Wisconsin was literally streaked and plastered with discrimination in the rates of utilities, and in all the rest of the country where the extent of such discriminations have not yet been determined, as they have been in Wisconsin, it is quite probable that discriminations similar in character and extent likewise exist. All rates, rules and regulations in effect in the state are on file with the commission and these are the only rates and regulations which can be lawfully enforced and collected. Free and reduced rate service has been absolutely prohibited. Thousands of individuals had been receiving free and reduced rate service, and the eradication of all such rates cannot help but serve as a moral tonic and raise the level of public and private morality within the state as a whole. The following table illustrates discriminations in the telephone business existing shortly before the commission's order formally abrogating all such rates went into effect. For thirty-two of the reporting companies, 8 out of every 100 subscribers received free or reduced rate service. The process of equalization of rates had been going on for over a year. Consequently the actual extent of the unjust discriminations was doubtless very much greater at the time of the enactment of the law. In the following table the numbers given under each of the rates represent the number of subscribers enjoying the respective discriminatory rates. I have every reason to believe that in every

Table IV.

Regular Rates	Free	\$0.31	\$0.42	\$0.50	\$0.58	\$0.75	\$0.83	\$0.92	\$1.00	\$1.08	\$1.25	\$1.42	\$1.50
.50	3	..	..	..	..	...	..	..	...	..	...	..	...
.66	...	..	..	..	7	...	..	..	...	..	...	..	...
.83	4	..	12	..	..	...	..	..	...	..	...	..	...
1.00	3	2	..	5	..	361	1	..	...	..	...	..	...
1.04	2	..	..	..	..	..	..	..	...	..	...	..	...
1.25	5	..	..	..	..	36	..	2	105	7	...	..	...
1.50	17	..	..	..	..	73	2	..	497	..	85	..	...
1.75	..	..	..	..	..	...	..	..	...	..	6	..	305
2.00	49	..	..	..	..	12	..	..	417	..	6	..	168
2.08	2	..	..	..	..	...	..	..	...	..	...	..	...
2.25	...	..	..	..	..	...	..	..	...	..	...	..	1
2.50	14	..	..	1	..	1	..	..	325	..	9	..	66
2.75	...	..	..	..	..	...	..	..	...	..	...	..	...
3.00	18	..	..	..	..	...	..	..	2	..	...	..	13
3.50	2	..	..	..	..	1	..	..	35	..	...	1	7
3.75	...	..	..	..	..	...	..	..	...	..	...	..	...
4.00	1	..	..	..	..	...	..	..	...	..	...	..	...
4.50	15	..	..	..	..	...	..	..	...	..	...	..	...
6.00	...	..	..	..	..	...	..	..	...	..	...	..	...
Total Phones	135	2	12	6	7	484	3	2	1,382	7	106	1	560
Total Actual Charge		\$0.62	\$5.04	\$3.00	\$4.06	\$363.00	\$2.49	\$1.84	\$1,382.00	\$7.56	\$132.50	\$1.42	\$840.00

Discriminatory Rates

\$1.62	\$1.67	\$1.75	\$1.83	\$1.87	\$1.88	\$2.00	\$2.08	\$2.25	\$2.50	\$2.92	\$3.00	\$4.75	Total Phones	Total Correct Charges
..	3	\$1.50
..	7	4.62
..	16	13.28
..	372	372.00
..	2	2.08
..	155	193.75
..	674	1,011.00
..	1	..	..	..	..	...	..	..	..	..	..	..	312	546.00
..	..	3	1	..	..	...	..	..	..	..	..	..	656	1,312.00
..	2	4.16
..	2	..	..	..	..	..	3	6.75
3	1	1	..	1	..	141	3	..	..	..	..	..	567	1,417.50
..	374	..	..	..	..	..	..	374	1,028.50
..	..	1	..	..	..	10	8	..	16	1	..	..	69	207.00
..	..	1	..	..	..	10	..	1	48	..	..	..	106	371.00
..	4	...	..	..	..	..	..	..	4	15.00
..	8	..	9	36.00
..	16	3	..	..	..	..	34	153.00
..	1	1	6.00
3	2	6	1	1	4	537	27	4	64	1	8	1	3,336	\$6,701.14
\$4.86	\$3.34	\$10.50	\$1.83	\$1.87	\$7.52	\$1,074.00	\$56.16	\$9.00	\$160.00	\$2.92	\$24.00	\$4.75		\$4,104.

Excess of Free Monthly Service - \$2,596.86

Annual Discrimination - \$31,162.32

A. L. M., Nov. 5, 1908.

other state of the Union these discriminations still flourish at the expense of subscribers who pay the full rate.

4. The utilities law is working a revolution in business management. While some managements are doubtless models from a business point of view, they are not the general rule. Many of the utilities companies have not been operated on a business basis; in fact, it is probable that a good many of the managements did not have the remotest idea as to the exact standing from a business point of view of the plant they were operating. Uniform accounting, rules governing the service and the regulation of rates compels the adoption of business and scientific methods, which is resulting in nothing short of a revolution in management.

5. All of the effects of the law, taken collectively, are bound to place investments in public utility enterprises on a more stable foundation. The law works both ways. On the one hand, it protects the consumer against unjust and unreasonable rates and poor service, and on the other it protects the investor in his claim to a reasonable rate on the property which is devoted to public use. This legislation will probably remove public utility investments very greatly, if not entirely, from the field of speculation and place them in the class of conservative, certain and stable investments.

This paper has been made brief on the assumption that it will merely serve as a text for discussion. I have naturally viewed the law in the perspective of its administration. Some of its novel features have not even been mentioned. The skeleton of the utilities law has been outlined. Other important laws administered by the commission have likewise not been treated.

The New York Public Service Commissions

HON. THOMAS M. OSBORNE

Member of Commission No. 2 and formerly Mayor of Auburn

I regret very much that I do not come prepared with a formal paper, written as I should like to have had it written, and such as you have a right to expect. I think, however, Dr. Meyer will agree with me that members of a public service commission get into the very bad habit of putting off anything that can be put off until the last minute and as my last minutes have been spent in a sleeping-car I have arrived without any such paper as you ought to receive from me.

I have listened as you all have, with a great deal of interest to Dr. Meyer's paper. Those of us who have been trying to wrestle with the same problem know the excellent work of the Wisconsin Commission. We wish we had Dr. Meyer in our State; and if he will only migrate to New York I will undertake to provide a vacancy upon the New York Commission, to which he would be appointed in very short order.

In New York State we have lately been bothered by a new political catch-word—"Government by commission." During the late State campaign one could hear on all sides, "Yes, I admit this or that; but I am opposed to government by commission;" and one of the ablest and most perverse of our metropolitan newspapers announced itself as being in favor of "the summary arrest and so far as practical the abolition of government by commission, whereof the portentous growth in state and nation constitutes one of the greatest dangers of the times and whereof the extreme of futility has been illustrated in Governor Hughes's principal creature"—the "creature" referred

to being the Public Service Commission, of which I have the honor to be a member.

The platform adopted by the Democratic party at Rochester, under the guidance and control of that distinguished statesman the Honorable "Fingy" Connors also denounced "government by commission" and alluded to the New York public service commissions as "woeful failures."

At first sight it might seem as if these commissions, being "the extreme of futility" and such "woeful failures," might have been secure from attack until more dangerous evils had been abolished; but, jesting aside, the phrase "government by commission" and an expression of opposition thereto has been made by some eminent men whose utterances may not be set aside as lightly as those of Mr. Connors' platform committee. If the phrase is but a phrase, what does it mean?

In that most delightful nursery classic for young and old, "Through the Looking Glass and What Alice Found There," Humpty Dumpty remarks, "When I use a word it means just what I choose it to mean; neither more nor less." This system is sometimes followed outside the Looking Glass; and while convenient for a speaker is apt to be a trifle confusing to hearers. So whatever meaning "government by commission" may have to the speaker it is well to have it thoroughly explained before we can be sure if we understand.

The truth is, there are many forms of government by commission; and some are good and some are bad. The Supreme Court of the United States is a commission to hear and determine final appeals and decide (if they can) upon the meaning of the constitution; the Interstate Commerce Commission is a body which, violently opposed at its inception, has become a necessary means of controlling our great interstate railway corporations; there are various commissions in the several states which cover a variety of activities—railroad, gas, electricity, prison, and highway commissions; our boards of education are commissions specially charged with the interests of the schools; there are in most cities commissions for the police, fire, charities and other municipal departments. All these are examples of "government by commission;" and there are many others.

Speaking personally and after some experience with municipal commissions, it has occurred to me that in general the difference between a commission that is worth while and one the usefulness of which may be questioned depends perhaps on the fact whether their duties are judicial or administrative. I believe that most municipal commissions are very inadequate means of getting at results. I refer to the police and fire commissions, or the commission of public works in a city the size of that in which I was once a part of the administrative government. I found in my own experience that a commission of three to manage the fire department was by no means as efficient as a single individual. One does not have to go behind one's business experience to understand the reason for that. An individual who has an office to administer, who has certain work to perform, takes pride in having that work done well, because its well-doing reflects credit upon him personally; and you could not possibly conduct a great manufacturing business by having a commission to undertake the work of the superintending officer. You could not have a commission to manage each department as a foreman manages it; and the best results are obtained when you focus the responsibility upon single individuals, making them again responsible to the head of the concern. And so far as the city I have referred to—Auburn—is concerned we made extensive changes in our charter by which we abolished the old city commissions and substituted individuals appointed by the mayor and removable by him; and the results have been far better for the city.

How absurd those city commissions often are I have found in my course of travels through New York State. I struck one small municipality that had an elaborate police commission of three. I asked how many men there were on the force, and they told me there were four. In another city I went to, they had a commission of four on the board of public works; and with the common notion that bipartisanship is nonpartisanship they called it a nonpartisan commission, two of the commissioners being Republican and two Democratic; and in order to be fair, the Republican party having two wings, they appointed

one from one wing and the other from the other; ditto with the Democrats. So that you had two Democrats fighting between themselves and two Republicans fighting between themselves; and whenever any party issue came up you had the Democrats against the Republicans. At the time I speak of the whole street department had been held up for several months and the city was rent in twain over the immensely important question as to the appointment of an additional street-sweeper.

I am opposed to such municipal commissions. We have in New York State various state commissions,—some of them appointed because our state officers have not been the efficient officers that they should be. According to our present system of election of minor state officials, when it comes to nominating them in state conventions they are parceled out to the different local bosses in different parts of the state. The Albany boss gets one, the Buffalo boss gets another, the Westchester boss gets a third, and so on; they placate these various bosses around the state by giving each of them the nomination of a minor state official. The result is just what one would expect. I have never met anybody in New York State who could remember the name of one of these state officials, with some few honorable exceptions, five years after he retired from office; and some of them have been so useless and the departments have been run so badly that the legislature has in its wisdom decided to appoint a commission to do the work of the state official.

I am now speaking particularly of the highway commission which has lately come into existence in New York State. If we had an intelligent and civilized way of electing our state engineer we should not have to have any highway commission; and it is folly when you look upon it in the practical sense, to be appointing commissions to do the work of men elected to certain offices to do that very work. And when we have been so foolish as to have a system which is unworkable in procuring practical results, why we sometimes try to get at it in some round-about way. Of course it would be better to go at it directly; but I presume that if anyone

**The Folly of
Multiplying
Elective
Offices**

should suggest that our state officials might better be appointed by the governor, so that they would form a sort of a cabinet like that of the president of the United States, he would be ruled out of court at once; it would be denied that he was a democrat.

Among the commissions that have seemed to me wise and calculated to work for the public benefit are the public service commissions of New York State. We have, as you know, two,—one for the city of New York and one for all the rest of the state;—the problems in the great city being very vast and quite different from those outside the city. It has been very well understood for some years past that the problem of the relations of our great public service corporations to the public on one side and the state on the other, formed a very serious problem—if not the most serious problem which faced us. It has not been quite so well understood, at least among us in New York, that there were only three possible solutions of that problem—only three possible ways in which we could move forward.

(1) We could let things alone,—to drift as they may and settle themselves if they will;

(2) We could adopt state ownership; or

(3) Have some form of state regulation and control. When you come to analyze the question there are no other possible courses.

(1) We have tried letting things alone in the past and it has resulted in an intolerable condition of things. Offensive monopoly on the part of corporations; swindling by irresponsible and unscrupulous promoters; financial loss of innocent investors; blackmail by corrupt legislators and politicians and practical robbery and continuing robbery of an outraged public for the benefit of the swindlers and blackmailers—these have been the too frequent results of the “let alone” policy. And such things do not “settle themselves” with justice to the public or the state, for there are certain evils which creep in, which cannot be remedied without great suffering. Take for instance what is known as Interborough Metropolitan Merger. Here is a case where certain financiers have engineered a combination with

**Letting
Things
Alone**

enormous watering of stock, and unloaded the securities upon an innocent public to a large extent. It will be remembered that one of those who engineered the thing—one whose name was very closely associated with it, when he died was found to possess not one single dollar's worth of stock in that enterprise; he had disposed of all that he possessed. It is impossible thereafter that justice should be done to the public in regard to the street railways in New York without great suffering on the part of the innocent investors. It is impossible to return to the innocent investor a fair return on his investment without injustice being done to the public and these are the two horns of the dilemma. Some suffering, some injustice must be done if we are to remedy the situation; even if we leave things alone. That is what makes the problem of the first district commission such a very difficult one to handle.

(2) State ownership is a remedy which is believed in by many excellent and thoughtful men; but a majority of such are not yet convinced of its desirability—at least not until they have tried another method. State ownership has two obvious and great disadvantages. First, it would require an enormous investment of public funds for utilities which are already provided for the public service by private capital; and second, it would require a large force of public servants of a kind our democracy has not yet learned to manage in a businesslike way, or even in any considerable number to produce.

(3) By state regulation and control we can secure all the advantages of public ownership without its disadvantages.

State Leaving the financial ownership and manage-
Regulation ment of the public utilities in the hands of private persons, but forcing those persons to recognize their obligations toward the public and the state (because their investment rests upon a practical monopoly granted by the state), we can enforce justice to all three parties in interest—make the investments more stable and conservative, while securing to the public its rights and at the same time guarding the future interests of the state.

There has been such general change within a generation or two in the whole social structure—in social conditions, that we very

often fail to recognize the alteration in the relations between these great public service corporations and the public and the state. If we go back to the old railroad charters granted by the State of New York, back in the twenties, we come face to face with conditions that are very difficult for us now to realize; yet if we want to understand the problem involved in these great public service corporations we ought to go back, because originally these great public service corporations were not monopolies as they are today; they were something quite different.

We find, running through the old charters in New York two rather amusing and interesting ideas; first, that these new railroads must not enter into practical competition with the Erie Canal. The Erie Canal was owned by the State; and the State did not propose to have any unseemly competition.

For instance the Utica & Schenectady charter granted in 1844 provides that

the company shall make returns at such periods and in such manner as may be directed by the commissioners of the canal board, of all the goods, chattels and other property transported upon said railroad, and shall pay to the commissioners of the canal office the same tolls per mile on all the goods, chattels and other property so transported, as would have been paid on them had they been transported on the Erie Canal.

In other words, the railroad was to pay the regular canal charges to the canal board. Anything above that of course was their property.

**The Old
Charters**

Not only that, but the Utica & Schenectady Railroad was authorized to take and transport "all goods, chattels and other property that may be offered for transportation during this suspension of navigation in each year only." They were not to be allowed to transport any goods while the season was open and the canal was running.

This idea runs all through these early charters. Then here is another amusing line of provisions. The Ithaca & Oswego Railroad, chartered in 1828, provided:

From all persons using and traveling upon said rail for every ton weight of goods, property, loading or freight of any description three cents per mile for every mile the same shall pass over the said railroad, a ratable proportion for any greater or less

quantity. For every pleasure carriage or carriage used for the conveyance of passengers, three cents per mile in addition to the toll by weight upon the loading.

All persons paying the toll aforesaid may with suitable and proper carriages, use and travel upon said railroad, subject to such rules and regulations as the said corporation are authorized to make.

It was evidently anticipated that the railroad would be in the nature of a highway upon which the people might run their own private carriages; just as they ran their own private carriages upon the turnpike. In other words, in the beginning the railroad was a competitor of the turnpike and the canal. It was not in any sense a monopoly, it was a competitor—a new form of competitor to an existing system.

Here is a provision of the Salina & Port Watson Railroad Company chartered in 1829. It "was authorized to demand and receive from all persons using or travelling upon such railroad, except those travelling on foot, such toll, etc."

Apparently that looked forward to the days of tramps; but they certainly never looked forward to the transportation they have now. Then again we have this provision:

All persons paying the toll aforesaid, may, with suitable carriages, use and travel upon the said railroad, subject to such rules and regulations as the said corporation by this act is authorized to make.

All this brings before us forcibly the great difference in the manner of looking at these public service corporations. When we examine into the other utilities subject to the New York Public Service Commission law, besides the railroads, we find the same interesting facts which we are so apt to forget. When trolleys came into use they formed a new sort of competition against the more expensive cab companies.

Public Convenience and Necessity The interurban trolleys were competitors of the railroads. When gas came into use, it was only a new fangled light offering itself in competition with candles and lamps. Electric light when it appeared in its turn was a competitor of gas. Now, beginning as a new form of competition, these public utilities

rapidly, many of them (less rapidly of course in the case of the railroads), became a public convenience, and from a public convenience they became a public necessity, because the social structure grew up around them and made such use of them that it became absolutely dependent upon them; and after they became an absolute public necessity and in the case of railroads where not only the commercial prosperity but even the very lives of large communities depend upon them, then these public utilities became practical monopolies; for wherever a public utility has a community in its grasp it becomes a monopoly. We have hesitated to recognize them as such; and have tried to regulate them by competition. We have chartered rival railroads. We have chartered rival gas companies and electric companies. But free and open competition is not possible in these public utilities, and we are forced back to the plain proposition that they are monopolies and must be regulated as such. That being conceded we are justified in demanding state regulation; and there is no form of state regulation that has yet been devised that is as good and efficient as a commission,—such as that in Wisconsin has turned out to be, and such as we hope these in New York are turning out to be.

The New York law in many respects is different from that of Wisconsin. I will run over it very briefly. It has five articles.

1. By article one the State is divided into two districts, with a separate and independent commission for each. The first district includes what is known as Greater New York—the four counties of New York, Kings, Queens and Richmond (or New York City, Brooklyn, Long Island City and Staten Island)—and the second includes all other counties in the state. This division, suggested by the great difference in character of the problems in the two districts, has been already justified by experience.

The ten commissioners, five for each district, are appointed by the governor subject to the approval of the
The New York senate, but removable by the governor alone.
Law They must have no official relation to any corporation subject to the provisions of the act, nor own stocks or bonds therein. Neither shall they ask the

appointment of any person to office by such corporation or receive from them any pass or reduction in fare.

Each commission appoints its own counsel, secretary and minor employees, and each single commissioner has full power to hold investigations and hearings, although an order must be approved by the commission before it becomes operative. The commission is not bound by the technical rules of evidence, but is free to get at the facts in the quickest and simplest way possible. All witnesses are duly protected and the Commission can force attendance and secure testimony, refusal constituting a misdemeanor.

There is no such provision for appeal to the courts as there is in Wisconsin. There is no review by the courts of the action of the commission. You may only appeal on the ground of violation of constitutional rights, or lack of power in the commission.

2. Article two prescribes the duties of common carriers which term includes, according to the wording of the act, "all railroad corporations, street-railroad corporations, express companies, car companies, sleeping-car companies, freight companies, freight-line companies and all persons and associations of persons, whether incorporated or not operating such agencies for public use in the conveyance of persons or property."

Common carriers shall furnish to the public "such service and facilities as shall be safe and adequate and in all respects just and reasonable;" and "all charges made or demanded shall be just and reasonable and not more than allowed by law or by order of the commission." They shall provide proper switch and side-track connections; and shall file and keep open for "public inspection schedules showing the rates of fare and charges for the transportation of passengers and property."

There shall be no special rate, rebate or unjust discrimination of any kind; no "free ticket, free pass or free transportation of passengers or property," exception being made of officers of the railway and certain other specified individuals. But this provision is not to prevent the issuing of mileage or commutation tickets.

[I would say that the conscience of some of our railroads was so tender that our commission had an application for a ruling,

not long ago, to know whether the directors of one of our large railroads were entitled to free passes. Those of you who know New York State can realize what a change of heart that betokened.]

There must be sufficient and suitable cars for freight in car-load lots; sufficient cars and motive power on railroads and street railroads to meet all requirements for the transportation of passengers and property, the commission being expressly given power to make suitable regulations for the furnishing of freight cars and for demurrage charges.

3. Article three continues the provisions relating to common carriers, dealing especially with the powers of the commission for carrying the provisions of article two into effect. Power is given to the commission:

(a) To examine into the general condition, capitalization, franchises and management of all common carriers;

(b) To examine all books, contracts, records, documents and papers and to compel their production;

(c) To conduct hearings and take testimony on any proposed change of law when requested to do so by the legislature, by the senate or assembly committee on railroads, or by the governor.

[The charge is made, with what truth I am not able to affirm, never having been connected with the legislature, that certain actions of some of our legislators in the past have been dictated either by a desire to gratify the public service corporations, or by a desire to annoy them by introducing "strike bills." This provision of the law is an interesting one in that connection. If one of the so-called "strike bills" should ever pass a legislature and reach the governor, the governor is empowered to refer it to the public service commission; and the public service commission can take testimony and make an exhaustive examination into the source of that bill, the reasons for its introduction and so forth—an examination which might possibly be embarrassing to some of our legislators. It is barely possible that this provision of the law may have been one cause of the diminishing of such bills which it has been stated was a fact at the last session of the New York legislature.]

The commission has also the power:

- (d) To prescribe the form of annual reports;
- (e) To investigate accidents;
- (f) To investigate as to any act done, or omitted to be done in violation of law or of any order of the commission;
- (g) To fix rates and service;
- (h) To order repairs, improvements or changes in tracks, switches, terminals, motive power or any other property or device in order to secure adequate service;
- (i) To order changes in time scheduled by increasing the number of trains, cars or motive power, or by changes in the time of starting its trains or cars.
- (j) To establish a uniform system of accounts and prescribe the manner in which they shall be kept.

The approval of the commission is necessary for various things. Without it:

(a) No construction of a railroad or street railroad or extension of existing lines shall be begun;

(c) No railroad or street railroad or other stock corporation shall purchase or hold any capital stock for any other road;

(d) No stocks, bonds, notes or other evidence of indebtedness (except notes payable within twelve months) shall be issued;

[Here is one of the best things in the law—the necessity of getting the approval of the commission before issuing stock and bonds—and then only for certain definite purposes. It ought to prevent greatly if not entirely the stock-watering of which our Public Service Corporations have been guilty in the past.]

(e) No merger or consolidation of existing companies shall be made; and in case such merger is approved it is provided that the capital stock of the merger shall not exceed the sum at par of the capital stock of the corporations so consolidated, or any additional sum paid in cash.

The penalties for failure to comply with an order of the commission are drastic. Each day's violation constitutes a separate offense, and for each offense the penalty is \$5000 if by a common carrier, \$1000 if by other than a common carrier. Every individual who aids or abets any violation of an order of the com-

mission or who fails to obey or aids or abets any corporation in its failure to obey is guilty of a misdemeanor.

[Not only can the offending corporation be fined, but its officers can be sent to jail.]

In case the commission believes that a common carrier is violating the law or an order of the commission, it may commence an action to secure relief by way of mandamus or injunction and the court shall require an answer within 20 days.

4. Article four applies practically similar provisions to the gas and electric companies. It also provides for inspection of all gas and electric meters. The commission has the right to fix rates upon proper complaints as to quality or price, not only of that supplied by private persons and corporations, but of that supplied by municipal lighting plants as well; it has power to examine the books and affairs of the producers, to approve of all incorporations and franchises and of all stocks, bonds and other indebtedness; in short, this article is similar in aim to the preceding, although having been drafted with less success it is in places somewhat obscure. It is to be hoped that amendments to the law will soon remedy these defects.

[I would say in this connection that we have not the excellent provision of the Wisconsin law—the provision forbidding discrimination in rates which is in the railroad section of our law, but does not exist in the lighting section of the law. It was presumably overlooked because of the law being somewhat hastily drafted. It is an extraordinarily successful law, considering how rapid was its preparation; but they took the lighting act passed the year before—the gas and electricity act, and put that almost bodily into the new law; so that many of the points where the old law failed to be effective are also ineffective in our present act.]

5. In article five the act comes to an end with the abolition of the former railroad, gas and electricity, and New York rapid transit commissions, and the state inspectors of gas meters; followed by the necessary provisions for the transfer of records, the continuance of pending actions and proceedings and the necessary appropriations.

But there has not been mentioned the most vital and far-reaching clause of the bill. In sections 55 and 69 occurs the following:

"The commission shall have no power to authorize the capitalization of any franchise or the right to own, operate or enjoy any franchise whatever in excess of the amount

Capitalization (exclusive of any tax or annual charge) actually paid to the State or to a political sub-division thereof as the consideration for the grant of such franchise or right." In other words, the law decrees that hereafter the grant given by state or municipality shall not be treated as a private asset of the corporation, and its value represented in stock; but that the value of the franchise and the increment thereof shall remain forever the property of the state. This to my mind is the kernel of the whole law.

Now this act has been called "radical," it has been called socialistic. It is radical. It is more than radical—it is revolutionary. It revolutionizes the whole relation between our public service corporations to the public on one side and the state on the other. They needed to be revoluted, so to speak. But whether it is socialistic or not I leave it to you to decide. I am not sure I know what socialism means. I find that "socialism" is used currently in this sense; if you propose that the state shall do something I don't want it to do I call you a "socialist." It is a very convenient term of reproach; and just what it means I am not prepared to state.

Now, as to the result of the New York law, I can say briefly that in most respects the results have been such as those set forth by Dr. Meyer as the results in Wisconsin.

Results It has taken our public utilities out of politics; and that excellent result will last just so long as the commission is appointed without regard to politics. Governor Hughes in his appointments not only did not appoint for political reasons, but he deliberately appointed for nonpolitical reasons.

The two commissions therefore represent no party. There are both Democrats and Republicans upon them, and I think they may be said to come as near being nonpartisan bodies as it is possible to come.

I think it may also be said that the commissions have been of great service to the public service corporations, along the lines Dr. Meyer has mentioned, in making them see very often the poor results of their own management; for in some cases the lack of foresight, the lack of good management is something quite extraordinary. Here is a fair sample: A group of men connected with the railroads who had spent all their lives in the service of the railroads in the freight departments met recently to draft a rule for the receipt of freight in less than carload lots. They drafted the rule. They formulated it and put it into operation. And according to that rule, if you had wanted to ship me one thousand of bricks you would have had to inscribe my name in some form or other on every one of those bricks. Now, that seems like a trifling circumstance. It was of course a foolish thing to do, but the fact that it could be done by men who had spent their whole lives in attacking that particular part of the railroad problem seemed to me one of the most discouraging things that we could have had come before our commission. The rule was sent back twice to that group of men to put in sensible form, one that would be fair to the shipper as well as to the railroad; and we finally had to sit down and draft the new rule ourselves. It does seem as if the time of the public service commission ought not to be taken up by doing work of that kind. And yet the fact that we had to do it in this particular instance points to the fact that the management of these great public utilities is not always as efficient, as careful, as businesslike as it should be; and it will not hurt that management to have its acts passed in review by a competent court.

Among the accomplishments of the commission—I shall not go into detail—can be said to be these, in addition to the general accomplishments that Dr. Meyer has touched upon:

1. The authorization of new corporations. It has been said that the New York law has absolutely killed the extension of business. In answer it may be said that the upstate commission has authorized twenty new companies in the fifteen months from July 1 to October 1; three railroads and seventeen gas and electric companies, besides nine extensions of old companies.

2. It has authorized new capital. Not along ago it was stated by a gentleman prominently connected with some of the public utilities in New York that no new capital was going into public utilities on account of the passage of the law and the drastic action of the commissions. Our commission has authorized the issue of one hundred and six million dollars of new securities within the fifteen months—and that means honest capitalization. In face of the hard times which the country has been passing through I think that it not so bad.

3. Abolition of railroad rate discrimination. There have long been bitter complaints of discrimination between individuals. Now every road has to file its tariff or scale of charges and every shipper can find out just what the rate is.

4. Abolition of rebates. There can be no real uniformity of rate if rebates are permitted. By a uniform system of accounts rebates can now be detected; and it is believed that the practice has been effectually stopped.

5. Improvement in freight service. A great improvement in freight service has taken place. This has been accomplished by insisting upon better management at the Buffalo, Rochester and other great freight-yards where congestion occurs. The condition of the yard at Buffalo was such that it had become known as the graveyard; and the manufacturing business with which I was formerly connected often had to send a man to Buffalo to look after the delay of cars in that yard, where they would sometimes lie for weeks if not months.

6. Reduction of rates. Not only in many individual cases but along whole sections of railroads, as in the case of points on the Rome, Watertown & Ogdensburg.

7. Improvement in passenger service. A great improvement has been made in the matter of train delays, as must be evident to all travelers. I think the proportion of trains on time has increased from sixty per cent to about eighty. There is still room for improvement.

8. Trains taken off have been restored. In one case a train was taken off which had been running for thirty years. There was another case of a train which started from a small country town southwest of the city of Geneva and ran to that city,

which formerly started at a certain hour of the morning, making three different connections before reaching Geneva. For some reason best known to itself (the commission never succeeded in getting hold of the reason), the railroad chose to have that train start half an hour later, so that it just missed all three connections. Application was made to the commission and the train was promptly restored to its former time.

9. Stops have been ordered for the convenience of various localities.

10. Repayment of excessive or illegal charges. I would say this was a fruitful source of complaint. A certain shipper was charged more than the proper rate through ignorance of the local agent; and it took him the greater part of his remaining existence to get a repayment from the railroad company. The commission has established a system of reparation for excessive charges, by which claims for overcharges against the railroad are settled, and settled promptly.

11. Elimination of grade crossings. The advent of the automobile has made this subject one of increasing importance. The commission has moved in this matter as fast as the appropriation made by the legislature will allow; and many dangerous crossings are being replaced by new and safe ones.

The commission is an effective court for the determination of the manner of all new highway crossings.

12. The inspection of railroad lines. A careful inspection by competent experts is made of all lines or railroads with a view to securing improved operation and especially safety for passengers and employees. Careful and minute inspection of all locomotive engines and cars.

13. Inspection of trolley railroad lines. A careful inspection by competent experts of all street and interurban trolley lines, similar to the railroad inspection.

14. Trolley express companies refused. The commission has declined to allow the formation of an express company for trolley service. A company became incorporated, with a right to do an express business not only on half a dozen trolley lines centering in Syracuse, which were all more or less owned by the same parties, but all over the United States, and in fact they didn't

stop with the United States. The papers of incorporation read that they could do business "in the United States and otherwise." (I suppose it meant "elsewhere.") They had to come to the commission for the right to do business on the trolleys; and the commission declined to allow the express company to do business—holding that it was the proper function of the road itself to take care of its own business, without an intervening corporation to extort additional charges.

15. Investigation of accidents. A close and careful investigation of all accidents which must under the law be at once reported to the commission is made. This may in some cases turn out to be of very great value in fixing the responsibility for the great destruction of life occurring on our railways.

16. Inspection by gas companies. All meters tested and inspected. Tests of quality, service, etc.

17. Inspection of electric companies. All new electric transmission lines inspected. All meters tested and inspected.

18. Minor complaints. A large number of small individual complaints have been remedied, covering a wide and fertile field of possible bad feeling toward the railways.

Of course a large number of unimportant complaints come to us. One of the most persistent was made by a distinguished gentleman who lives just outside the City of New York, and which he not only wrote about individually to the members of the commission and kept on writing to the commission, but finally appealed to the governor. It arose from the fact that in passing through the tunnel, which takes a few minutes, just north of the Grand Central Station in New York—the railroad employees instead of lighting all the lights in the car only lighted half of them, so that the complainant could not see to read very well. There was also an enterprising individual who complained that the theater tickets he bought did not allow him an unobstructed view of the stage; and he wrote to the public service commission for relief.

From July 1, 1907, to October 1, 1908, the public service commission of the second district has handled and disposed of one thousand six hundred and ninety-five cases, or an average

of four and a third cases for every working day since the commission went into office; which would seem to indicate that the commission has not been idle, however near "the extreme of futility" it may have come.

The result of the last election would seem to indicate that the supporters of the public service commissions law in New York had something to say; and that was that the law has come to stay. Of course a new responsibility is placed upon the governor; he has the appointment of the commission; and having also the power of dismissal he has as it were the whole thing in his hands. If the people fail to elect good governors we shall fail to have good commissions. If we fail to have good commissions we shall not get the good results we ought to have and which the law properly administered can give.

To my mind, as a firm believer in democratic government this is no objection to the bill. It is only an additional argument for the election of good governors.

The Public Utilities Commissions of Massachusetts

By JOSEPH B. EASTMAN, Boston
Secretary Public Franchise League of Massachusetts.

The regulation of public service corporations by means of state commissions is a firmly established policy in Massachusetts. It has passed its period of probation and taken its place, in popular thought, as a natural and even inevitable duty of the State government. It is not a political issue and has not been for a long time, for the people have grown up with the commissions, know the work which they have done and appreciate its value.

The railroad commission began its career almost
Massachusetts' forty years ago, in 1869; the board of gas and
Established electric light commissioners dates back as far
Policy as 1885. Neither of them can be called an
experiment. On the contrary, this method of government has reached a point in Massachusetts where there is some justification for stepping in and attempting to point out its achievements and shortcomings.

Recent commissions in other states have sprung into existence fully developed and armed, under comprehensive and scientific laws drawn with great care after a close study of similar laws and precedents. The Massachusetts system of regulation was not so devised. It is rather the product of gradual evolution, a structure built up little by little around the nucleus formed in 1869. In the early days the rights and duties of public-service corporations were but vaguely appreciated; the State was a pioneer in a new field, and it felt its way along step by step, doing, in effect, laboratory work by which the whole country has profited. As time went on, new classes of corporations were brought under supervision; new laws were passed; new powers

devised. The result is a mass of legislation, by no means symmetrical in form, rather crude, perhaps, in certain respects, but still legislation which embodies a system of effective regulation and which contains at least the germ of practically every important power now exercised by the various public-service commissions of the United States, powers which are not the result of theory alone, but of actual experience, and which have stood the test of time.

At present, three different boards of three members each supervise the public-service corporations of Massachusetts. The board of railroad commissioners has under its control railroads, street railways, steamship lines and, within the last two years, express companies. The board of gas and electric light commissioners supervises gas and electric light companies; the highway commission, telegraph and telephone companies. The powers and duties of these three boards are similar in important respects, but differ rather widely in details. All three must keep informed as to the condition and conduct of the companies under their supervision, make all necessary examinations and inquiries and advise the Legislature if any new legislation seems expedient. They must report all violations of the law to the

**The Three
Commissions
and their
Duties**

attorney-general, and carefully investigate serious accidents. In every case, the corporations must keep their accounts in a form prescribed, open their books to inspection at any time, submit annual, and in some cases quarterly, returns, giving sworn and detailed information in regard to their financial condition, management and operation, and furnish any further information that the commissions may desire. All three boards must give formal, public hearings upon any complaint as to rates or service which is signed by the mayor of a city, the selectmen of a town, or even twenty patrons of the company concerned. After such hearings and investigations, the railroad and highway commissions may *recommend* any changes that seem desirable, but the gas and electric light commissioners may issue positive *orders*, enforceable by legal process. In no case can a public-service corporation issue stock or bonds beyond an amount which the appropriate commission certifies is reason-

ably necessary for the purpose required. More than that, no stock can be issued below par, nor can new shares be offered to stockholders except at a price either fixed or at least approved by the commission.

These are the more important general provisions. In addition, all three boards have certain special powers and duties. The railroad commission may act upon its own initiative, in cases where no formal complaint has been made, and recommend any changes in rates or improvements in equipment and service which seem desirable; but no such specific authority is given either to the gas and electric light or to the highway commission. In the case of a street railway, the railroad commission may actually *order* additional accommodations whenever such action seems necessary; with stringent penalties if the order is disobeyed. No steam or electric railroad can be built or even extended unless this board certifies that public convenience and necessity so require. No street railway can lay its tracks until the locations granted by the municipal authorities have met with its approval. It may even grant connecting locations between cities or towns against the vote of the local authorities. In addition, it has extensive and important duties in connection with the abolition of grade crossings, and power to prescribe signals, fenders, switches and certain other safety appliances. The board of gas and electric light commissioners is given special duties relative to testing gas and electric meters and fixing proper standards of pressure and of light. Moreover no competing company can lay its pipes or wires in any city or town unless this board first grants permission. Numerous other powers and duties of minor importance might be mentioned.

These commissions are all conducted simply and at small expense. Their offices are plain, subordinates are few, and the commissioners themselves easily accessible to the public. Their hearings are conducted with few formalities and without the aid of special legal advisers, for the chairmen are invariably members of the bar. Only one commissioner receives a salary as high as \$6000 a year, and the total annual expenses of the three boards combined do not, as a rule, amount to as much as

\$150,000, including the salaries of engineers, inspectors, accountants and other assistants.

It is not easy to review briefly the forty years of this regulation and do justice to the subject. Certain salient features stand

out, however. So far as the public is concerned, the situation in Massachusetts with respect to public-service corporations is not at all discouraging. There have been no gross scandals in this field since the Addicks' gas invasion, back in the

Results of 40
Years of
Regulation
eighties. Such outrages as have characterized the traction companies of New York, Philadelphia, Chicago and other American cities have been conspicuous by their absence. Minor instances of this sort of thing have occurred, to be sure, but they have usually pointed the way, under the leadership of the commissions, to new legislation making their repetition impossible. At the present time the corporations are in the hands of men, of whom many desire the good will and respect of the public and strive to earn it. Boston, for example, probably has as good street railway, gas and electric light service, together with as reasonable rates, as any large city in the country. In the whole state there are very few instances of inflated capital among the legal corporations. None of them is gross, and those which exist are survivals of the period prior to the passage of the anti-stock watering laws of 1894. This assertion should be somewhat qualified, it is true, by stating the fact that the entire capital stock of several companies is held in trust by certain anomalous voluntary associations, which in turn issue trust certificates on a highly inflated basis, which are bought and sold in the market like shares of stock. So far, these unincorporated associations have done little harm, since neither they nor their pseudo-securities are recognized by the commissions. Yet they do involve a danger, for the claims of the "widows and orphans" who invest in these inflated certificates with the acquiescence of the State may prove embarrassing in the future. On the whole, however, the day of the adventurer has gone by, and in general the people are contented and have no hard feeling against most of the corporations.

From the standpoint of the corporations, the situation is also

quite endurable. They have been well protected against destructive competition, while investors have discovered that publicity of accounts and the restriction of securities are in the end decided safeguards. Then, too, the commissions have always taken a conservative and reasonable attitude, and have made it a point to interfere in the management of a company only when the public interests seemed to require it.

The following quotations from the reports of the railroad commission show this attitude very clearly:

It is moreover of scarcely less importance to the community than to the body of immediate stockholders that every railroad should be amply remunerative. A poor, bankrupt or even needy company almost as a necessary consequence has a road ill-equipped, unsafe and insufficiently operated; and, indeed, all such as a rule constitute a heavy drawback on the communities which they are supposed to serve."

And again—

The board does not attempt to divide with the directors responsibility for railroad management. It is not its function to correct, if it could, errors of judgment in the determination of purely business questions. Such a task is impracticable without the knowledge and opportunity that comes only from the entire control of affairs. It has been the policy of this State, in connection with the private ownership of railroads, to establish a supervision that shall leave the business management of the roads to the owners unhampered, so long as it is conducted in a reasonable manner."

As a consequence of all this, the corporations, as a rule, have a friendly feeling for the commissions and are disposed to concede the necessity and advantage of such regulation. It is a striking fact that at a recent National Electric Light Convention, representatives from Massachusetts were foremost in securing from that convention against vigorous opposition endorsement of the principle of commission control.

Let us, however, consider the separate boards. Massachusetts has always been proud of her railroad commission. In contrast with commissions in many other states, it has been remarkably free from political influence. Men have not received the office as a political reward, nor have they used it as a stepping

stone to greater political honors. On the contrary, from the very beginning it has enlisted the services of high-minded men of marked ability, and this has been especially true of its chairmen. In the early days, Charles Francis Adams established the reputation of the commission for courage, enthusiasm and intelligence, and marked out for it a progressive and independent path. Looking back over the years, some of its achievements are notable. Its annual reports have contained vigorous discussions of railroad and street railway policy, which have had an influence far beyond the borders of the State. As President Hadley of Yale University once said,

Its reports were strong enough to command respect and even obedience. The commissioners were by no means infallible. Some of their theories were wrong. But they had something better than correct theories; they had practical business sagacity. They abandoned courses which proved wrong; they followed up with successful persistence those which proved right.

The vigor and force of their arguments and the facts which they presented have placed upon the statute books sound and progressive legislation. The great weapon of the commission, however, has always been an enlightened public opinion. In order that the people might know just how matters stood and make proper comparisons, this Board compelled the corporations for the first time in this country to keep their accounts on a uniform basis and to make returns that meant something. Under its guidance laws have been passed which prevent the construction of useless roads built only for speculative or blackmailing purposes; improvident or dishonest leases and consolidations have been made well-nigh impossible; and the looting of street railway properties by companies organized under the laws of other States has been nipped in the bud.

The railroads have been encouraged to give proper consideration to local as well as to through business, and to bring in raw materials for manufacture at low rates; cheap suburban fares, greater uniformity in passenger rates, 500-mile tickets and the gradual adoption of a maximum fare of two cents a mile, have all been advocated and to a large extent secured. Accidents have been investigated promptly and thoroughly, and, as a

result, the railroad companies have been forced to adopt safety switches, improved bridge and track construction, automatic train and engine brakes, safety couplers and platforms, steam heat for passenger cars, improved rules for employees, tests for color-blindness, proper inspection of locomotive boilers, and finally automatic block signals throughout. Electric cars have been fitted with fenders and vestibules, must be well heated, and operated under speed rules nicely adapted to special circumstances. Practically all these improvements have been forced upon protesting and unwilling companies, as the records well show; but the commission did more, for it took the initiative in securing from Congress the present law requiring automatic couplers and brakes on freight trains. Nor should any record of achievements fail to record its effective work in preventing all new and dangerous grade crossings, and in securing the present admirable legislation for the gradual abolition, with state aid, of those already existing, for in this respect Massachusetts leads the country.

In addition to this, the commission has always given prompt attention to complaints of all sorts. Probably ninety per cent or over are adjusted without the necessity of any formal action, sometimes over the telephone, but in several hundred cases public hearings have been held and formal recommendations made. As a result, rates have been reduced, new station buildings have been constructed, additional train service has been installed and a host of other improvements in facilities for travel have been secured.

The recommendations of the board have been followed almost to the letter. In the rare instances where they have not been followed, the legislature has compelled action by special act. For instance, radical changes in rates were at one time recommended upon the old Housatonic Railroad, now a part of the New Haven system. They were not made and the legislature immediately invested the board with full power to fix rates upon that line and enforce them. As a matter of practice, the recommendation of this board, made in a specific case after investigation and a hearing,

**Obedience
to the
Recommendations**

is not very different from a positive order. There has been much confusion of thought upon this matter. The recommendation is a more courteous form of procedure; it saves the feelings of the railroad managers, but behind the velvet glove is the iron hand. The board early took this position,

When the board is asked to give a formal recommendation under the statute, it is not enough to show that the course is unwise. To call for such action it must be so unreasonable that if the recommendation is not heeded the board will be ready to follow it by calling upon the General Court for legislation.

Railroad managers in Massachusetts, up to the present time, have fortunately been susceptible enough to public opinion so that they have rarely had the temerity to brave any such process as this by disregarding a formal recommendation. Moreover, in the case of street railways, such disregard is the more dangerous because of the power which the local authorities possess to revoke locations.

To illustrate what has been done in Massachusetts without the use of drastic orders, I need give only three typical instances which have occurred within the last few years and which involve radical and far-reaching changes in passenger rates, methods of railroad operation, and the character of administrative policy. The recommendations of the board brought the sale of 500-mile ticket books at \$10 a book upon all the railroads of the State, remodeled rules governing train movement and methods of signaling upon the Boston and Maine, and occasioned the overturn of the management on the Boston and Albany division of the New York Central, together with a definite change in the administrative policy of that road. When the board of railroad commissioners decides that certain things ought to be done and issues a specific recommendation to that effect, its recommendations have, so far at least, been respected.

Of course, this commission has made its mistakes, and it has not been altogether free from popular criticism, although there has been on the whole remarkably little. The criticism which is heard turns, in the main, upon this question: How far may the commission be charged with a failure to keep the Massachusetts railroads up to the highest level in equipment and

service? It is urged, for example, that the general adoption of block signals might have been hastened; that additional trackage and the electrical equipment of certain lines might have been secured; that trains might have been kept more nearly on time; that the smoke nuisance might have been lessened; that the Boston and Maine might have been persuaded to keep its equipment more nearly up to date, instead of laying undue stress upon the payment of regular dividends; that the equipment and service on certain New Haven lines might have been improved; and finally that, although the board did at length succeed in forcing the Boston and Albany out of the demoralization into which it fell after its lease to the New York Central, it was negligent in ever allowing the road to drift into such a condition.

Without attempting to analyze these criticisms, it is apparent that the tendency of this board in Massachusetts, especially in recent years, has been to lay stress upon its

A Railroad Court

judicial functions. It has constituted an informal railroad court, open to all the people, where complaints might be heard and adjudicated with promptness and decision. It has also been ready to give the legislature its best advice when called upon to do so, and to perform faithfully all specific duties assigned to it. Much farther than this, however, it has not thought it wise to go. It has apparently conceived its duty to be to protect the safety of the public, correct abuses and prevent injustice, but not to concern itself with the management of the corporations to any greater extent. Of late years it has made it a point not to give any suggestions or advice to the roads which it was not prepared to put in the form of definite recommendations, and it has carefully refrained from discussing or criticising the general policy of the railroads in the State. With its present resources and staff of assistants this has probably been a wise course for the board to pursue, and there is much to be said for it on other grounds. But whether it is a policy which should continue and whether the legislature ought not to provide the board with equipment which will enable it to take a more positive attitude toward the future development of the railroads and street rail-

ways of the state, is a question which future conditions and the experience of the new commissions in other states will go far to decide.

When we come to the board of gas and electric light commissioners, the page of history is not so bright. This board has not enjoyed popular favor or confidence in the same degree with the railroad commission. **Gas and Electric Light Board** In the first place, the genesis of the law was unfortunate, for it grew out of the desire of existing gas companies in Boston to be protected against the threatened competition of the notorious Addicks. The impression naturally grew up that the board was perhaps overconservative and inclined to lean toward the corporation side of the question. Unfortunately, it was not made up of men with the kind of ability needed to dispel such an impression as this. Its policy was too often indecisive and non-committal, its movements were apt to be ponderous and slow, and its opinions lacked force and vigor. They have never commanded proper interest and respect. Then again the board failed to appreciate the great advantage of publicity. It was inclined to be secretive with the detailed information in its possession, and it failed lamentably to arrange the tables and statistics in its reports so that they were of proper value to investigators. It is by no means to its credit, either, that it had little influence, as a board, in bringing about the present satisfactory state of affairs in the Boston gas field.

Still it will not do to underestimate the good work which this commission has done. While it has made mistakes in judgment, it has not been corrupt, and its actual accomplishments make a very good showing. Of late, it has been gaining steadily in popular respect and favor. The existence and watchfulness of the board have certainly tended to keep speculators and exploiters out of the Massachusetts gas and electric light companies. Stock watering does not exist, except through the voluntary trusts, and the companies are strong and well managed along conservative lines. Whenever formal complaint has been made, the Board in almost every instance has ordered substantial reductions in rates after careful investigation. Like

the railroad commission, it handles a great many complaints informally, and secures amicable and satisfactory adjustments. In addition, it has often succeeded by quiet advice in persuading companies to reduce rates or improve service voluntarily. It has kept unwise competition out of the field with an iron hand, and has done effective work in supervising small municipal plants, helping them to keep their accounts in proper shape and to adopt wise methods of doing business. It has secured uniform accounting from the companies, and has built up a system of meter testing which has been widely copied in other parts of the country. It has by no means been a useless department of the government, and at the present time it is made up in a manner which gives good reason to hope for a vigorous and progressive policy in the future.

The work of the third commission which supervises Massachusetts public-service corporations is harder to review. The highway commission has had control of telephone and telegraph companies for two years only, and it is too early to pass serious judgment. One investigation of telephone service in Boston, while it was conducted in a somewhat unfortunate manner, unearthed widespread political scandals, and has resulted in somewhat improved service and slight reductions in rates. It is probable, however, that this feature of the Massachusetts system of regulation has not reached its final resting place. The highway commission has comprehensive duties which have nothing whatever to do with the regulation of public service corporations, and it has sufficient business on its hands without this excursion into a radically different field of operation. It may be found wise at some time in the future to transfer the regulation of telephone and telegraph companies to the board of gas and electric light commissioners, where it properly belongs.

So far I have attempted only to give a general idea of the situation in Massachusetts, of the character of the commissions and of the work they have done. This convention, however, has more especial interest in the question of the relationship between

these state boards and the municipalities of Massachusetts. Does this system of regulation conflict with the principle of "home rule?" Is it a permanent development in government or a temporary expedient, leading to something radically different in the future? Before answering these questions it will be wise to explain, first of all, two important features of the Massachusetts law, the revocable franchise and the corporate franchise tax.

It is not the custom in Massachusetts to grant permanent franchises or franchises for a limited term of years, along the lines set forth in the program of the National **Revocable** Municipal League. On the contrary, the franchises of all public-service corporations, except **Franchises** steam railroads, are, with few exceptions, indeterminate and revocable at will. The principle is the same in the case of gas, electric light, telephone and telegraph companies, but the law in respect to street railway locations is perhaps more clearly stated. It is distinctly provided in the general law that the local authorities may, after a street railway has been in existence for one year, revoke any location without any liability in damages, if the public convenience and necessity in the use of the streets so require and if the railroad commission gives its approval. In other words, the grant of a location is substantially a license during good behavior. How this law may operate is shown very clearly by the case in which the constitutionality of these revocable franchises was fully sustained by the Massachusetts Supreme Court. When the new South Station was constructed in Boston, the location of several streets, in which conduits of electric light and telephone companies were laid, was changed. The Boston authorities ordered these conduits taken up, and the Supreme Court sustained their right to do so, refusing to allow the companies one dollar of damages, on the ground that they held no property rights in the streets and that their conduits were personal property, which they were free to remove.

It may be said with little fear of contradiction that these revocable franchises, while they are, perhaps, illogical, have been very successful and meet with general public approval. The power of revocation is seldom, if ever, exercised; but the

very fact that it exists insures reasonable conduct on the part of the corporations. A special commission headed by Charles Francis Adams made a thorough study of franchise grants in this country and abroad, and came to the conclusion that the Massachusetts franchise in its practical results compared favorably with any. On the other hand, they were thoroughly convinced that the term franchise, or concession for a fixed contract period, operated, especially in foreign countries, as a check on enterprise, and was often productive of dissension, poor service, scandals and unhealthy political action.

The corporate franchise tax in Massachusetts is really a device for securing to towns and cities substantial compensation for the franchises which they grant, graded automatically according to the actual value, for the time being, of the franchise to the corporation.

The Corporate Franchise Tax It is assessed upon the total market value of a company's capital stock, less the value of real estate and machinery locally taxed. If, therefore, a company is doing a good business at fat rates and finds its franchises decidedly valuable, the market value of its stock rises in sympathy and along with it the corporate franchise tax grows larger. The rate of this taxation is practically the average of the rates for local taxation in the various cities and towns. Over three and a half million dollars is paid in to the State every year on this tax, and it is either distributed directly in due proportion to the cities and towns, or, what amounts to the same thing, it is retained in the State treasury and helps to decrease the State tax. In other words, Massachusetts has a general system which determines automatically the compensation to be paid for franchise grants. In effect, the people of each city or town have the option, either of reducing rates to the lowest constitutional point or of treating the companies more generously and securing as an offset this tax as compensation, for the value thus given for the time being to the franchises. Under this system, too, the burden falls upon companies according to their strength, and any that happen to be financially weak are not driven into more desperate straits by the necessity of paying heavy tribute for worthless grants. It is the policy of the State to exact no other compensation for

franchises, except in certain special cases, and the reasons are well stated in the following quotation from a report of the railroad commission:

It has been more or less seriously proposed to make the ordinary use of the surface of the street for railway purposes a source of revenue or relief to the municipal treasury, either by sale of the railway location, or by an excise on cars, or a tax on earnings, or by requiring the railway company to pave or otherwise maintain the surface of the entire roadway. There is no reason why the railway company should not pay a tax on its corporate franchise and property, such as other similar corporations pay. It is also proper that it construct at its own cost the tramway specially adapted to its use and keep the portions of the roadway adjacent thereto in safe condition for other travel, as is now required by statute. These charges are a part of the cost of transportation which the passenger must expect to pay. Beyond this, it is not easy to see why one who carries passengers for hire in a car should be subjected to a tax for the use of the street, any more than one who carries passengers for hire in an omnibus, or who carries merchandise for hire in a dray.

The radical objection to the proposed impost is not, however, that it is a burden on the railway company, but that it is a tax on the travelers. A tax on the carrier is a tax on the passenger. Whatever fare the railway passenger might otherwise have to pay, he must pay in addition to that fare his proportion of the tax, and the possibility of the reduction of his fare is to that extent postponed. Nothing has hitherto been more free than the use of the roadway, for all persons, and for all purposes of travel or transportation. There is no good reason why the person who travels in a street car should pay, directly or indirectly, for the privilege of traveling on the highway, any more than the person who travels in a public coach or in his private carriage.

The two questions, therefore, in regard to the regulation of public-service corporations, which have been a source of great and unmixed trouble to city authorities in other parts of the country, namely, the length of franchise grants and the amount of compensation, are settled in Massachusetts by a uniform rule embodied in the general law. For the rest, the field of regulation is divided between the commissions and the local authorities. But the latter are given a free hand only in matters

of purely local concern which cannot be handled to better advantage by the commissions, and only so far as they do not inflict indirect injury on other parts of the State.

Home Rule

There is very little feeling in Massachusetts that this division of labor is a violation of the principle of "home rule." Nor is there any likelihood that power will be taken from the commissions and placed in the hands of the cities and towns. On the contrary, the commissions are generally accepted as necessary and desirable, and have established their right to a permanent place in the State system of government. It is a question of expediency. Chicago may be able to regulate her public-service corporations effectively without interference from the State, but the ordinary small city cannot command the expert knowledge or the general ability necessary to handle questions of rates and service. It is therefore right and proper that all cities should delegate such duties to a central board which can devote its entire time and attention to these questions and establish a wise and uniform policy for the entire State.

But there is another and a stronger reason for regulation by State commissions, which is this: There is hardly a public-service corporation in Massachusetts, at least, which does not spread beyond the boundaries of a single city or town. The street railway system of Boston extends out into the suburbs for miles, and the electric light company of the same city supplies towns as far away as the Rhode Island boundary. These are only typical examples. The public-service corporations of the present have lost their local characteristics and have become distinctly interurban. To leave their regulation to the separate cities and towns would be as unwise as it would be to attempt to regulate interstate commerce through the efforts of the several States. If one city should place too harsh restrictions upon a company, others would suffer in consequence. This is the reason for the instances of commission supervision over the action of municipal authorities in Massachusetts which seem at first sight unwarranted. For example, the local authorities may grant locations to street railway companies when and where they

please, and may surround the grant with such conditions and restrictions as they see fit to make; but the railroad commission may review the grant and withhold its approval if it seems to be at all inconsistent with the public interest. This power was not given to the commission on mere theoretical grounds, but as the result of actual experience. Grasping towns had acquired the habit of holding up new street railways, compelling them to widen, regrade or pave the streets or make some other extraordinary expenditure before locations would be granted. Wherever such action was short-sighted and unwise, the other towns on the line shared in the unfortunate results. The personal liberty of the individual is limited by his duty not to injure others, and the same thing applies to cities and towns. The public utilities commissions of Massachusetts do no violence to "home rule;" rather, they protect the equal rights of the various communities and keep them from harming each other.

It may safely be said, then, that these commissions are a permanent feature of Massachusetts government. It by no means follows, however, that they will not be changed in form or otherwise improved. The State is watching with great interest the new commissions in New York and Wisconsin. Of course a system of regulation which is admirably adapted to one part of the country may be quite out of place in another. Still, it is quite possible that the experience of the next few years will show beyond question that the Massachusetts system may be improved materially in important respects.

Looking into the future, it seems hardly likely that the three present commissions will be consolidated into one. Such a union has certain advantages. It should make it easier to secure good men, and it focuses public attention, which is always desirable. On the other hand, there is danger that the commissioners would be overburdened with work; that they would be able to give too little personal attention to the separate cases which they are called upon to decide. In such an event, the actual work of regulation would fall more and more upon subordinates, who might be exceedingly "efficient," as the modern expression goes, but who usually lack the broad

**The Consol-
idation of the
Commissions**

qualities of statesmanship which such work really needs. The people of Massachusetts like to have the commissioners themselves accessible to the public, and are not likely to approve any system which will involve a much greater use of red tape. The railroad and the gas and electric light commissions have existed apart for a long time and have their records and traditions of office. They are not likely to consolidate, but the work now done by the highway commission will probably be assumed, sooner or later, by one of these two boards, or transferred to an independent commission.

When it comes to the question of more drastic powers, prophecy is difficult. Up to the present time, the recommendations

tions of the railroad commission have been quite as effective as the orders of the board of gas and electric light commissioners. Public opinion in Massachusetts has a tremendous

force, and the corporations are inclined to be reasonable, so it may never be necessary to adopt a very drastic form of regulation. Still, conditions are changing rapidly. At the time when the railroad board was created, and for a long time afterward, there was no dominating influence among the railroads. On the contrary, the companies were numerous and small, managed by residents of the State who generally had some inbred respect for law and decency. It is interesting to speculate as to what might have happened if the State had contained such a dominant personality as Commodore Vanderbilt, with his contempt for any other law than the dictates of his own will and his tremendous grip on the railroad situation. Fortunately Massachusetts has never bred such a man. But New England is now nearing the end of a period of railroad reconstruction. The control of Massachusetts railroads is passing out of the State and into the hands of men not so easily influenced by local public opinion, men stronger and harder to curb. The control of the Boston and Albany some time ago went to the New York Central, and now the Boston and Maine seems to be slipping into the control of interests affiliated with the New York, New Haven and Hartford. What effect this will have upon the efficiency of the commission remains to be seen. The only

evidence we have upon the point is the somewhat encouraging fact that the board, backed by the force of an outraged and thoroughly aroused public, did succeed by recommendation alone in overturning the management of the Boston and Albany and changing its administrative policy. Massachusetts has never desired to treat its public-service corporations with a high hand, or to antagonize them unduly. So long, then, as the friendly and peaceful recommendation continues to serve the purpose as well as it has up to the present time, it is not likely to be displaced by the more rigorous order.

In certain other respects, it seems probable, even on present evidence, that the New York and Wisconsin commissions have improved on Massachusetts practice. They are organized with a view to systematic and scientific investigation, and have at their command highly paid engineers and a large and adequate staff of inspectors. Massachusetts, fortunately, has not had to deal with many complicated rate questions, for the State is small, and all the important freight rates are interstate. At the same time, the expenses of the commissions have been kept down to a somewhat parsimonious level. The law which established the railroad commission provides that its annual report shall "include such statements, facts and explanations as will disclose the actual working of the system of railroad and railway transportation in its bearing upon the business and prosperity of the Commonwealth," and "such suggestions as to its general railroad and railway policy, or any part thereof, or the condition, affairs or conduct of any corporation or company, as may seem to it appropriate." The laws in regard to the other commissions contain somewhat similar provisions. The tendency, as noted above, has been to interpret this part of the law rather narrowly. While this reflects no discredit upon the commissions, there is good reason to believe that the time has now come when a more positive attitude should be taken. It would seem that a State commission ought to have enough resources at its command so that it can keep thoroughly posted in regard to the best modern practice all over the world among public-service corporations of the kind which it supervises, so that it can have an intimate knowledge of the actual conditions in

its own State, and so that it can at least inform the people of the State just how far and in what particulars their corporations fall below the best existing standards. If such work is done, there will be little danger that corporations will drift into a rut and fall behind the times, because the public will know what ought to be done and will hold them up to it. In order to do such work in the best way, the Massachusetts commissions will need more expert assistance and a larger inspection force than they now possess. The next few years may possibly see some change of this sort.

‡ But there is another improvement in methods of regulation which the State is experimenting with at the present time, and which seems likely to make a permanent place for itself. It is well known that commission control may sometimes lead to stagnation. For example, the managers of a gas company, realizing that their rates are likely to be ordered down if they

The Sliding Scale	show an unusual profit, have no incentive to put their best brains and energies into the business. They are content to maintain the status quo, without striving for anything better.
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To get rid of this difficulty, the State is experimenting with the London sliding scale system of regulation, an importation from England, and has applied it to the Boston Consolidated Gas Company. A standard dividend of 7 per cent was fixed, a standard price of 90 cents, and for every reduction of 5 cents in the price of gas the dividends may be increased 1 per cent. For the period of ten years the company is free from any other regulation of its rates. This system has been in effect in Boston for two years, and has brought the price of gas down to 80 cents. So successful has it been that, in the near future, a general law is likely to be passed under which other gas companies in the State will be able to avail themselves of this form of regulation.

But, after all, these improvements and the whole system of regulation are matters of but secondary importance. The value of any system depends in the final analysis upon the temper of the people of the State. If the commissioners are men of force and genuine ability, they will accomplish good results even with very inadequate powers and imperfect laws;

but weak or dishonest men will bring into disrepute the best devised system in the world. Whether or not effective men are appointed, and whether or not even men of the right type do their best work, depends upon the people. In the first place, they must elect good governors, in the second place they must help those governors select the right men, and in the third place they must keep in touch with the commissions, study the questions which they are handling, and let them know how public opinion stands. This last requirement seems to be by far the most important of the three.

It is very easy for a commission to fall into a rut and lose enthusiasm. Such a thing has happened many times in this country. It is very easy for a commission to come, often without knowing it, under corporation influence. Both of these unfortunate results are likely to happen if the people of a State forget that they have such boards and pay no attention to them. In any event and under all circumstances, we may rest assured that the corporations will keep in close touch with the men on these commissions. No matter how trifling the question may be, able lawyers will say all that can be said on the corporation side. To act as a judge and an attorney for the people at one and the same time is a hard and discouraging task. To confront able lawyers day after day without assistance from the general public will sooner or later sap the enthusiasm of any man, and impair his best judgment. There is only one way to overcome this sort of thing, and it is to offset the pressure and influence from the corporation side by a keen public interest in the work of the commissions which will show itself at their offices, and by organized effort insure adequate representation of the point of view of the general public.

If Massachusetts has been at all successful in regulating public-service corporations by means of commissions, it is due primarily to the fact that the people of the State have not altogether failed in their duty as citizens. They have elected good governors; the governors have appointed able and courageous men; and the people have in some measure shown an active interest in the work of the commissions after they were appointed.

Municipal Reference Libraries

DR. HORACE E. FLACK

Municipal Reference Librarian, Baltimore

The importance of efficient municipal government is more generally recognized today than at any previous time in our history. The citizen realizes as never before what inefficiency and poor laws really cost the community. Some of this cost is due to vicious or incompetent officials, but by far the greater cost can be laid to ignorance, both on the part of the citizens and the officials. Something more than honesty and sincerity

is needed to make our municipal government
Something what it should be; something more than the
more than arousing of the public to take an interest in
Honesty and municipal affairs, and this something is knowl-
Sincerity edge and light. It does not suffice to point
out an abuse, though this is essential; but

it is necessary to provide a remedy. There are always those who have remedies ready-made for every abuse or imagined abuse that exists in the body politic, but these remedies are not always sound and practical. I do not believe I am overstating it when I say that almost the entire lack of interest which the ordinary citizen takes in municipal government and the apparent indifference with which he regards the so-called reform movements is due to the fact that so frequently the measures proposed have not remedied the abuses, or that the reform programs have not been carried out. Had those who fought the abuses been provided with definite knowledge and accurate data from other municipalities in regard to the same subjects, the results might have been different.

If the city does not at present, it ultimately will, exceed the state in importance. At present almost thirty-five per cent of

the people of the United States reside in cities of over 8000 inhabitants. In a few decades, over one-half of the people will reside in cities. It would seem to follow as a necessary result that the problems of self-government are fast becoming the problems of city government. The present tendency, a tendency which all municipal students heartily support, is to grant more and more home rule to the cities. Some one has remarked that it will not be long until there will be practically only two classes of law-making bodies—the city council and the national congress. Whether this belief be accepted or not, it is unquestionably true that the municipalities are coming to occupy a greater and more important position in the affairs of the country.

The great industrial and social problems of the country are almost entirely confined to the cities, and they must be worked out there, if worked out at all. Mayor Brand Whitlock has aptly and truly said in a recent article that on their solution depended not only the future of the city people, but of the great mass of people who dwell without the city. The city is to be the battle-ground of the future, and democracy, if it is to be justified as we believe it will be, will be justified by the dense, compact populations of the cities.

As remarked by Dr. Charles McCarthy, of the Wisconsin Legislative Reference Department, in his paper prepared for the recent meeting of the American Library Association, at the request of the National Municipal League, we hear much about the national and state governments and of the men who are working out the problems which confront the United States and the states, but one has only to stop and think to realize that the great problems are the problems of the cities, and it is here that the great problems of the future are to be fought out. When the people fully realize how much depends upon the character of the municipal government, when the time comes that they have information on which to base sound opinions, there will be a betterment all along the line. The things which most vitally affect every one who resides in the city are those things which are provided by the city government itself, and not by the federal or state governments.

Our water supply, sewerage disposal, milk inspection, light,

transportation, sanitary conditions, fire and police protection, schools and many other things are dependent almost entirely upon the municipal government. Where the nation or state touches us once the city touches us a hundred times. Whether we have good, cheap transportation, telephone and light service, whether our water and milk supply is pure, whether there is adequate fire and police protection, whether we live amid sanitary surroundings, whether we have crowded tenements, whether we have playgrounds and parks, whether we have good schools, and whether we have the best of all the other things which pertain to city life, depends upon the efficiency or inefficiency of the municipal government, and not upon the state or national governments.

The welfare of the entire community, and especially of the laboring class, depends upon good business administration in our cities. If incompetency or viciousness prevail, if the public revenue is squandered or ill spent, then the community suffers in the way of higher taxes, bad service, or unsanitary conditions. If the water or milk supply is impure, then the people pay a terrible toll in the way of infant mortality and epidemics. The same holds true in regard to every question or condition which affects city life, and no argument is necessary to demonstrate the need of using every instrument possible in order to secure a wise and efficient municipal administration.

I am not here to propose a remedy which will be a panacea for all the evils and abuses which exist in municipal government today, but I am here to speak briefly of one of the instruments or agencies whereby our municipal government may become more business-like and more efficient. That agency is the municipal or legislative reference library. It is not a new thing for it has been tried successfully in connection with the legislatures of some of our states. If it is of value to the legislature of how much greater value ought it to be to the municipal government. The problems of the municipal government are becoming more complex and more difficult as the years go by, and it is too much to expect that every city official shall be prepared to meet successfully these problems as they arise.

It is practically impossible for any legislator, however ener-

getic and industrious, however anxious he may be to give his city the best possible government and keep it thoroughly abreast,

Difficulties of to collect all the data on questions which come
Legislators before him and to grasp all the facts relating to the complex conditions of modern legislation.

Much study has been given to city government and city conditions and many experiments have been made. Several organizations, notably the National Municipal League, have devoted themselves to the study of municipal problems with the view of bringing about a betterment in present methods of administration. With few exceptions, however, there has been no determined effort to collect, compile and index this material for the use of those who have charge of the administration of our city government. It seems more essential that those who administer the affairs of the city should have at hand such material and data as would aid them in their work than for an industrial organization to have such data for its use. It is a well known fact that these great industrial and commercial organizations have experts employed to make experiments and to gather data which will result in the most economic and efficient management of their particular industries. Why should the city be less progressive?

We have, then, first, a great increase in the complexity of social and economic conditions, of legislative and administrative problems; and secondly, a great many students
Complexity who are making a careful study of the problems which arise as well as the great number of experiments which are being tried by the different cities, but the means have not been provided for making the results of these studies and experiments of practical use. It is to solve this problem—to bring the results of the experiences of other cities into such form as to be easily accessible to city officials, that is offered by the establishment of the municipal reference library.

Such a library should not only be a storehouse for the knowledge of the past, but, if it is to accomplish its greater work, it should have on hand the experiences of other cities, so that there would be no need to spend the public money in unwise or

needless experiments. Probably every one here knows of instances where street paving, garbage disposal, gas or electric lighting, and many other improvements have proved utter failures. Some years ago the Denver street railway company discovered the economy of electric motive power and prepared to abandon the cable before using it on certain extensions. It was after this had taken place that a cable railway was laid in Baltimore. It is no doubt necessary that experiments be made, for progress requires this, but why should every city undergo the same experience? The simple fact is that we are either unable or unwilling to be guided by the experiences of other cities or we do not know of them, and I believe it is almost entirely due to ignorance of what other cities have done.

There is always some cause for every ordinance. Some one wants to make certain regulations to improve, as he thinks, certain conditions which would tend to the preservation of life, health, comfort, safety, or happiness. If it is a good ordinance, properly administered, it will have that result, but it may bring about the reverse, in which case we will have unsanitary conditions, ill spent moneys, death and misery. With data giving the experiences of other communities, the ordinance could be so framed as to avoid the mistakes or to use to advantage the good features discovered by these experiences.

Every city has its problem of securing good, pure milk. What does it cost the community if there is a poor ordinance or if a good ordinance be improperly administered? It is impossible to estimate, but the experience of cities have demonstrated that infantile mortality can be greatly decreased by having pure milk. Rochester has furnished a striking example of this, and the report of the Bureau of Animal Industry made in 1907 presents such a strong array of facts on the same subject that no one can question the imperative necessity of having pure milk. Without sufficient data, however, it would hardly be possible for any city to enact the kind of ordinance needed. The same holds true in regard to the smoke nuisance, the collection of garbage, paving, and all the other improvements and agencies which go to make city life enjoyable.

Take a concrete case. If some city were to make you a flattering offer to abate the smoke nuisance, or if it was your business to do this, what steps would you take and how would you begin? Would you just sit down and prepare an ideal plan whereby all the smoke would disappear instantly? On the contrary, would you not get together all the available data possible? You would make an effort to see what had been done by other communities for the same purpose, with what success these efforts had been met, where any defects might be improved, what appliances were in use, or in a word, you would try to learn just as much as possible before taking any step in the matter. If such an undertaking justifies you, as a business man, in gathering such information, how much more should it justify the city to see to it that no step is taken until all the facts possible bearing on the subject in question have been placed before those who have charge of it! As a purely business proposition, it seems that every city should have a reference bureau where such data could be kept on file. The expense of maintaining such a bureau is insignificant as compared with the savings which are possible.

Such a bureau of itself will not do away with the evils or abuses which exist, but it will furnish the means whereby such abuses can be lessened. It will supply the data, the knowledge, which is an essential to all good government. This material would be accessible to all who might care to use it, and civic associations especially would find it a valuable agency in securing needed reforms. With such a means open alike to officials and to the public, there would be provided a means for securing a more efficient expenditure of the public funds.

The Bureau of Municipal Research of New York City, a non-official body, has shown the need of light, and though it would not come within the province of the reference bureau to conduct such investigations as have been conducted by that Bureau, it would be a valuable agency for supplying such knowledge to those who desired it. Those of you who have read Dr. Allen's "Efficient Democracy" do not need to be told how essential it is to have efficient officials, but it is necessary for officials to have accurate knowledge before they can become efficient.

It may be said that the idea of the reference library has passed the experimental stage. New York and Wisconsin have maintained such libraries for their state legislatures for several years and with great success. The idea as applied to cities has also been put into operation in German
German to cities has also been put into operation in
Precedents Baltimore and Milwaukee, and has been especially successful in Germany. An article in the *Annals of the American Academy*, May, 1908, gives a brief description of the work in Germany and the following quotation is taken from that article:

If the desired information requires a considerable amount of work a charge may be made by the director, otherwise the information is furnished without cost. It does not pretend to be able to answer every question that may be asked. In legal questions especially, it attempts only to refer to similar cases, if there have been such in other cities, or to point out the best material bearing on the subject. It is, however, in a position to furnish information on a host of questions likely to perplex the minds of city legislators. If an expression of opinion from other members of the *Staadtetag* is desired, the central bureau sends the question around and prepares the answer according to the reports received. This demand for information has two good effects. It may help the seeker over difficult problems and it makes it possible for the bureau to keep alive to the prevailing situation and to grow in depth and breadth of knowledge. In the first year of the bureau's existence, one hundred and thirty-two requests for information were made, and in forty per cent of these cases charges were made.

It should also be pointed out that the establishment of such bureaus might aid very materially in bringing about a uniformity in municipal accounting. Every investigation conducted, every effort made to get really comparable data from other cities, brings home to the investigator the great need for uniform accounting. Each bureau would endeavor to have a proper system of accounting installed and by collecting all the information on the subject, would put a strong weapon in the hands of those who advocated it. Just as uniform accounting would make it possible for accurate comparisons as between the several cities, so would the reference library make it possible for the city officials and legislators to use such comparisons and data.

In conclusion, we would say a few words about the Department of Legislative Reference of Baltimore. The Department has been in existence only since January 1, 1907, but there is at present on file there over 800 books and over 2500 pamphlets. In addition, numerous clippings as well as letters are kept on file. The material is classified according to subject matter, and several thousand cards furnish a guide to it. The material includes charters, ordinances, reports, books and articles on municipal questions, etc.

Although a new departure in the way of municipal government, there has been a gradual increase in the requests for information. During this time several investigations have been made at the request of municipal officials, and the data collected have been submitted to those desiring the information. For the health department, we collected data in regard to the inspection of milk and dairies, and with the data thus collected an ordinance was drafted and passed by the city council. Besides getting copies of the ordinances and regulations in regard to milk inspection, a series of questions was submitted for the purpose of eliciting information in regard to the actual operation and administration of those ordinances. The health officers were also requested to make any criticisms which the administration of their ordinances had suggested. The health department also requested us to collect information in regard to the plumbing laws of other cities and the methods pursued for the removal of manure.

The tax commission appointed by Mayor Mahool made use of the department to secure information in regard to liquor license fees, and on the recommendation of this tax commission the fees were increased from \$250 to \$500 for this year, to \$750 for the next year, and for the year 1910 and after, \$1000. For this same commission a compilation was made showing the sales of Baltimore bonds since 1880, the price paid, etc., and information was secured as to the policy pursued by other cities in reference to the exemption from taxation of property engaged in manufacturing industries.

Among other subjects on which information was gathered at the request of officials, may be mentioned the following:

The policy pursued by other states in regard to receiving certain classes of indigent insane; whether city property was insured or should be insured by the city itself or by regular insurance companies; market licenses and fees; the collection and disposal of garbage; the duplication of street names; the tearing up of newly laid pavements for the purpose of laying gas mains, water pipes, etc.; how representatives in the several state legislatures are apportioned; licensing and muzzling of dogs; salaries of municipal officials; abolishment of grade crossings; the smoke nuisance; how plans for public buildings are adopted; pensions for school teachers and firemen; the use of school buildings for social, educational, and neighborhood purposes; inspection of electric meters; paving of private alleys; public comfort stations; taxation of street railways, and other subjects. There was also collected for members of the legislature information in regard to inheritance taxes, corrupt practices at elections, printing of bills, legislative expenses, public roads, railway rate regulation, public schools, gas and electric light rates, grain inspection, oyster laws, and several other topics. Individuals and improvement associations have frequently called upon the Department for information on a variety of subjects. No charge whatever is made for any information given.

One point should be especially emphasized, and that is, such libraries must be kept out of politics if they are to be of any value, for in the hands of politicians, they could be made to serve an evil purpose. Furthermore, the bureau should not advocate or oppose any measure, but simply supply the data and let the facts speak for themselves. The department in Baltimore is under the control of a commission composed of the mayor, the city solicitor, the president of the Johns Hopkins University, the president of the Municipal Art Society, and the president of the Merchants and Manufacturers Association, thus removing it entirely from politics.

The City Library as a Business Investment

By DR. CHARLES McCARTHY¹

Legislative Librarian, Madison, Wis.

Mayor Brand Whitlock, in a recent number of the Saturday Evening Post, quoted De Tocqueville as follows:

Local assemblies of citizens constitute the strength of free nations. Municipal institutions are to liberty what primary schools are to science; they bring it within the people's reach; they teach men how to use and how to enjoy it. A nation may establish a system of free government, but without the spirit of municipal institutions it cannot have the spirit of liberty.

If this is true, and we shall grant it at once if we are true believers in American institutions, then I propose to show in a manner no one can refute that the city library should be the most important institution in the city.

Let us first consider the question of the city library as a municipal institution, dealing not merely with the affairs of men, but more in its relations with the welfare of the community and the public good.

¹Boston, Chicago, Baltimore and Milwaukee have Bureaus of Municipal Statistics and the nuclei of effective municipal libraries. To emphasize the importance of such work the League asked Dr. Charles McCarthy, who has been a leader in legislative reference bureau work, to prepare a paper on its behalf for presentation at the last meeting of the American Library Association. He did so, and to bring it before the members of the National Municipal League, the subject was put on the Pittsburgh program with a view to having the paper included in the formal Proceedings of the League.

Dr. Flack, whose paper is also published, discusses the main points of Dr. McCarthy's paper from the point of view of his own experience as Municipal Reference Librarian of Baltimore.—EDITOR.

Our libraries deal largely today with the women and children, but no one suffers today from poor government like the women and children. The present library work for **Libraries,** women and children is no doubt a noble work, **Women and** but the more fundamental work for them should **Children** not be neglected on that account. The welfare of women and children depends upon good business administration in our cities. If the taxes are exceedingly high and the public moneys ill spent, then the women and children must suffer. If unsanitary conditions prevail, it is then they pay terrible toll.

I am here to maintain the thesis that a legislative library can be made the best paying investment for the city. I can say more money than any other institution in the city. It can add more efficiency to the management of public business, than any other institution. It can give more health and happiness. How can this be accomplished?

Not only must the library be a proper storehouse for information, but it should be so governed, so managed, that the experience of every other city should be at our hands before we attempt to spend the public moneys. Consider for a minute how foolishly we spend our city moneys. Everyone of you know of instances where garbage plants, street pavings and a hundred other improvements in the cities have been failures. Why have they been failures? Why should we have a failure in the collection of ashes, or garbage, or disposal of sewage? The simple fact is, that we do not learn from the sad experience of other places. Who ever heard of anybody going to London, or Berlin, or any other of the European cities for improvements, and yet it is apparent to everyone of us that London must have had such problems for a thousand years at least. Other cities in this country have solved these problems. Why can't we have, then, the data which will show us how these ordinances work?

To show the vital importance of an ordinance, let us analyze a moment what a city ordinance is, what effect it has:

For what we do want an ordinance? We want it to make certain regulations which are necessary for the preservation of life and health and happiness and safety. If an ordinance is

a good ordinance, then life and health and happiness and safety will be preserved. If it is poor, then the reverse will occur and we will have unsanitary conditions and death and misery.

We are now having a fight in the city of Madison, Wisconsin, over a milk ordinance. For what do we need a good milk ordinance?

What is an Ordinance? to have all the information about such ordinances before the public, to have such information collected and readily accessible and up-to-date and in such form that the city council and our citizens can use it? It means simply this, that perhaps hundreds of children in due course of time will be saved in Madison, and loving homes will echo with bright young voices of hundreds of children who would have succumbed to disease. It means less misery and less disease.

It is very easy to make a statement of this kind, but what do the figures prove? If you read a statement made by the health officers of Rochester, New York, you will find that from 1887 to 1896, the total deaths of children from one to five years, was over two thousand greater than from 1897 to 1906. The result of this was due to a milk ordinance and a campaign for pure milk in Rochester.

Quoting from the report upon sanitary milk production, circular 114, Bureau of Animal Industry, from 1907, the following figures are interesting:

The following facts present strong presumptive evidence on the relation of impure milk to infantile mortality.

The Fight for Pure Milk 1. About one-fourth of all the children born in the District of Columbia and about one-sixth in the country at large perish before the completion of the first year. Of the twelve months during the first year of life the first, second, third, fourth and twelfth months furnish the highest mortality. The deaths during the first four months are largely due to imperfect development and exposure, while the jump from the fourth to the twelfth month is quite suggestive, as it is the usual period of weaning, with its attending dangers from digestive diseases incident to artificial feeding.

2. Nearly one-half of all the deaths in children under one year of age are caused by gastro-enteric diseases, chiefly infantile diarrhoea, and this points with more than mere suspicion to the fact that the morbid agent is introduced into the body with the food. Since the enactment of pure-milk law in 1895, the per cent of deaths in children under 1 year of age to the total deaths of all ages, has been reduced from 26.94 to 18.13 in 1904.

3. The most frightful mortality rates are everywhere furnished by the hand or bottle fed children, indicating that impure cow's milk and improper care and feeding are the chief primary causes.

Professor Kohrer informs us that of the 8329 infants that died in Munich during 1868-1870, or over 85 per cent had been hand or bottle fed. Of the 4075 infants that died in 1903, 83.3 per cent were artificially fed. In Berlin, of the 41,383 infants that perished during 1900-1904, over 90 per cent had been artificially fed. In Paris, according to Monat, the rate is from 70 to 75 per cent. In 1903 the health department of the District of Columbia investigated 260 infantile deaths with reference to feeding and ascertained that 88.49 per cent of the children had been artificially fed.

In the face of the startling arguments against artificial feeding, mothers should hesitate to subject their offsprings to such terrible risks, and the state must take what precautions it can to stop this slaughter of the innocents. The Washington market milk compares very favorably with the average German or English milk; but every community has a right to expect milk free from dirt and filth, and hence the need of a law or regulation "that there shall be no visible sediment on standing two hours."

It may be urged that all such modern innovations involve unnecessary hardship, but it should be remembered that by attacking all the various factors concerned in the causation of the disease we may hope for the best results. The reduction in the general mortality in the registration area of the United States from 19.6 in 1890 to 16.2 per 1000 shows what may be accomplished by preventative medicine and sanitation."

If these figures do not prove that the city library or the reference bureau can be made the best paying investment the

city has, then it is useless to argue. If you were in the business of receiving money for stopping deaths of children, would you not get together all the data upon milk inspections and all milk ordinances? Just sit down and take a pencil and reckon up what the milk ordinance was worth to the city of Rochester. Think of what it was worth in dollars and cents, if you please. Think what it was worth in human happiness, which you can't measure in dollars and cents, and just ask yourself if it does not pay to get the great experience from other cities for your own. I venture to say that there are mighty few writers in this country who know much about the recent literature upon the milk supply and there are still fewer libraries where these valuable documents are advertised to the public.

I have given one instance. I can give a hundred. The whole investment in the city library is small compared with what you can do with one ordinance upon a great subject. What is it when you consider the hundred subjects which are coming into the daily life of the city? I ask you, am I exaggerating it one bit, when I tell you that the city library is neglecting its duty and that it should be the greatest investment, the greatest business proposition which the city possesses? I am willing to put these facts before any business man and I don't fear the results.

Is it not plain common sense to make a special effort to collect comparative data? If we were engaged in any business

**The Value of
Comparative
Data**

of any kind, would we not try to hunt up the experience of other places, and the history of previous progress? If we did not, we certainly should not have the civilization that we have today. As many of the great thinkers have pointed out, we differ from the lower animals in the very fact that our environment and our previous history can be built upon and can be used to make our lives better in the future, and civilization is, fortunately for us, cumulative. The truths of this statement can be seen at once. If we should think of all human knowledge now written in books and manuscripts being destroyed at once, how could we build up our system in jurisprudence? The painful experience of the Chinese Empire at the present time, in the reorganization of its laws, shows the

truth of this statement. Our civilization, our art and our literature are built upon the foundation of the past, and built upon the experience of the past. But what has the ordinary city library to do with the experience of the past in the government of the cities? You may find a few books, stray ones, upon civic government, but many libraries will have the ordinances of their own cities, and let alone the ordinances of other cities. How many have ever tried to get this experience from the past, from history, from other cities, in order to make laws and ordinances of their own city better, so that the people may have less expenses, less taxes, more helpfulness, better educational facilities and more of good things that life has in store for us? This may seem a utilitarian theory, and it is.

Let me repeat and reiterate. Let us get down to business. Let us have an institution where dearly bought experience can be collected, so that we won't make the awful mistakes that we have been making, not merely through corruption, but through ignorance and lack of information. Let us pursue in our library, in our store-house of knowledge, the similar methods that we would in our ordinary business. Let us make our city library, not only a beautiful place—a home for our children, our women, and our young men, but let us make it the best paying proposition that the city has. You convince your business men of the city that your library is a business institution, saving time and money. If they understand this, they will go down deep into their pockets and see to it that you will have everything that you want in that library. If you want stained glass windows and beautiful books and ornaments for your library, you will get them and nothing will be said if you show them that you are saving them money, so that it is not only, then, from a point of business, but also from the point of political expediency, to your interest, to establish departments of this kind and keep up with the great interests of today.

It is not only in getting the data, such as I have explained above, that the library is useful, but a library is much like a banking system in our national credit system. The amount of money in the system does not depend merely upon the abso-

lute amount, but it depends largely upon the rapidity of circulation and it depends upon many other elements of that kind. It is the same way with information. If you get hold of a good book on tuberculosis, you have done a worthy thing, but the efficiency of that book depends upon the number of people who read it and the number of times you got that information out to the great mass of people. In this way you can help out public sentiment and consequently you make good government. It takes a long while to get new ideas to people; the quicker you get them to the people, the more efficient you are. Your library should be like a lump of yeast. You should have an organization which would have some way of sending a growing plant through the body politic. The system with which you get your information out, the rapidity of circulation, the wideness of the field of circulation, are just as important factors as is the factor of getting the material in first place. We need some machinery for getting this information more quickly to the people. We need this as a part of this general business proposition. A business man, if he had a good thing, would certainly advertise, and the advertising part certainly should be a great department in the library.

If you were going to go into business tomorrow to cure tuberculosis, you would not sit down quietly in some back room and say nothing about it. If you were going to make money out of it and make it the best, you would flash it upon every wall, so that people could understand it. Now when we know of the scientific discoveries in the prevention of tuberculosis and we have this scientific information in our library, we should flash it out some way to the people. If we have information about any of the important things in our civic life, the great improvements in human thought, we ought to flash it out in the same way. It is not a question of ancient sentiment as to the dignity of library methods, it is one of doing good by whatever means you can do good. It is a simple business proposition.

What I have said here today, I can only say to any business man and he cannot criticise it and the only criticism I am getting upon a proposition of this kind, is from mossbacked indi-

viduals who have been kept carefully within the artificial sanctions of the past. I am not afraid of a business man looking at this proposition any other way than the way I look at it.

Our libraries should be a part of our civic life. If your city is advertising its facilities in trying to build up great manufactures, then the library should coöperate with the citizens and organize for that purpose. It should be in every act or movement for the betterment of the city, both from the business side and from the city beautiful side.

We are met by a hundred things in the cities, where one thing touches from the national government, or from the state. The national government and the state government take but slowly the things from the foreign countries. We get them into cities first and they are strange to us and we know nothing of their history or their inception. As we have become crowded in our cities, we are meeting problems which we never thought of before, and we must meet them largely in the way in which people have met problems of the same kinds in other cities, where crowded conditions have existed. Those cities are in the crowded districts of Europe, and the strange new things which we have in our city life today are coming from those cities, and we must make no mistakes in dealing with them. Those mistakes will be costly. They effect vitally the happiness of human beings, and as we reduce the number of those mistakes, so will we make happiness for human beings. I know of no greater joy than the realization that a man knows that he is doing good in the world and making greater happiness in the world, and I will tell my brother librarians tonight that they will find no greater happiness than working in these new city problems, and you can see every day you work, however little you do, what wonderful things you can accomplish.

We want a man who can get hold of these ideas, who knows how to get a hold of them, and who uses them as a carpenter does his lumber, to take something out of it—to build something out of it. We need the teacher-librarian. The teacher-librarian is a librarian of the future. We need the specialist, especially in the great field of sociology, because it is in this great field that the city activities and great civic improvements are being

agitated. What I have given you about coöperation and gathering of comparative data, is not any new idea. It is already at work in many cities and has been especially successful in Germany.

Quoting from *Annals of American Academy*, May, 1908, describing the German Stadtetag:

More important than the meetings of the Stadtetag is the central bureau opened on April 1, 1906, in Berlin. The director of this bureau is selected by the administrative committee and must be a man educated in law or in political economy and familiar with city laws and city administration. He is furnished with a staff of helpers and secretaries, and under the oversight of the administrative committee carries on the work pertaining to the office.

The tasks which this central office have undertaken are many. A preliminary step for all its other activities is the creation and maintenance of a special library dealing with city affairs. Designed to be of use in research work, it includes not only books and other publications common to all libraries, but also a variety of material such as schedules, public announcements, copies of important documents and newspaper clippings. Each member of the Stadtetag is pledged to furnish free of charge a copy of all its more important printed matter relating in any way to city government or to city life. In addition scientific studies and standard works are purchased directly with money set aside out of the income of the Stadetag.

Not counting some six hundred books and written articles presented by the city exposition of Dresden, the library now includes over a thousand general administrative reports and city budgets, more than eight thousand local laws, tariffs, and service instructions, hundreds of police regulations and city council decrees, historical works and statistical material of all kinds.

The material is grouped according to the following arrangement:

1. (a) Administrative reports.
- (b) Current bills, municipal journals, reports of sittings.
- (c) Personal information, directories, etc.

2. Budgets and final accounts.
3. Local laws, instruction and other administrative papers, important contracts, police measures.
4. Statistical material.
5. Historical works.
6. Various publications not to be brought under 1, 4, 5.

Within each group the material is arranged alphabetically by cities, so that under the name of each city may be found the books or other articles dealing with that special group of the city's activities. All representatives of the cities or of the associations of cities have the right to make use of the library. The director may also grant this privilege to representatives of city boards or to private persons for the purpose of study.

No charge is made except in cases where the collection of voluminous material is demanded. Provision is also made for loaning the material to the parties mentioned, but not in so far as it is needed at the bureau itself. The aim is to make the library the chief center for the scientific study of city affairs. It is open on weekdays from 9 a.m. to 2 p.m., and offers to the investigator the latest, the best, and the most complete material for study in the activities of German cities that can be found anywhere.

With this library as a source, the central bureau offers to furnish information to the members of the Stadtetag, to smaller municipalities, to local boards and to private persons. If the desired information requires a considerable amount of work a charge may be made by the director, otherwise the information is furnished without cost. It does not pretend to be able to answer any question that may be asked. In legal questions, especially, it attempts only to refer to similar cases, if there have been such in other cities, or to point out the best material bearing on the subject. It is, however, in a position to furnish information on a host of questions likely to perplex the minds of city legislators. If an expression of opinion from other members of the Stadtetag is desired, the central bureau sounds the question around and prepares the answer according to the reports received. This demand for information has two good effects. It may help the seeker over a difficult problem and it

makes it possible for the bureau to keep alive to the prevailing situation and to grow in depth and breadth of knowledge. In the first year of the bureau's existence, one hundred and thirty-two requests for information were made, and in forty per cent of these cases charges were made.

A word in conclusion—If you start this work, get the right person to run it.

The success of this work depends upon the people who do it. As a success, all great work depends upon a personality. It is not the iron, or stone, or glass or beautiful pictures which make or makes a college a civilization. It is the personality of the people and not the material things. You always can make fine bindings, but it is mighty hard to find a man. I urge upon you, if you start work of this sort, to get the right men. Get men with economical training and men who are willing to devote a lifetime to this special work. Otherwise, don't get anybody! Don't allow the thing to exist! Don't let a politician get hold of it! Get the right men and the right women, or don't get anybody. This is a work which requires special training, not only in the library school, but especially in economics and the general field of sociology and law. It is highly specialized work and cannot be done without special training.

We are very fortunate in Wisconsin in having numbers of young men in our University who are taking up the classes which are connected with this work, who are now going out to all departments of all sorts in the country.

The Bureau of the Census as an Agent of Municipal Reform

By HON. LEGRAND POWERS
Chief Statistician, Bureau of the Census

I have been requested to state for the benefit of this conference how the schedules prepared by the Bureau of the Census are reinforcing the modern demand for increasing efficiency of municipal governments; or, in other words, how the work of the Bureau is acting as an agent in municipal reform.

I will begin my statement by saying that the work of the Bureau is advancing the cause of improved municipal government because its reports provide for cities what the best accounts and reports furnish the administration of the most successful private enterprises. Those enterprises have accounts with all their sources of income and all their objects of expenditure. Expenditures are classified according to function, and the accounts provide the means for ascertaining and stating

Classification the cost of each and every activity or class of business operation. The same classification is used one year that is employed in preceding years, so as to provide a means for utilizing the experience of one year as a test of the results of business operations in the next. In like manner, if a corporation or firm operates a number of different enterprises, the accounts of all are so kept as to enable the record of the expenses of any one to be of service to all the others.

The introduction of analytical statistical accounts of this character has proved of great administrative assistance to all the most successful private enterprises of the day. In some lines of manufactures accounts have become important factors in converting old refuse and waste into principal sources of profit, and changing losing into paying ventures.

One result of the introduction of analytical and statistical accounts into private business was to create a popular demand for the introduction and use of similar accounts by municipal and other governments. This demand first became prominent in the domain of municipal accounts since city governments came closer to the lives, and also to the pockets, of the people than any other class of governments. The demand for more efficient municipal government was the principal factor leading to the organization of the National Municipal League, and those connected with this body early perceived the relation between good municipal accounts and efficient municipal governments.

The old accounting of American cities was conducted with one principal or primary object—that of showing that the treasurer had not stolen any money. The auditors whom city councils appointed to examine the accounts of the treasurer once were content to show that no city money had been converted to private use by the treasurer. City officials were not awakened to the fact that accounts should be kept not only as a check upon the action of the treasurer, but as a check upon and guide for the action of all city officials. Private business is wrecked infinitely more by bad management than by speculation of employees. The losses resulting from carelessness and incompetency are everywhere vastly greater than those arising from defalcation of trusted servants. The good administrative officer recognizes that he must keep accounts to guard the business more from his own possible laches than from dishonesty of his subordinates; and hence those accounts should afford the means of testing the efficiency of the work, not only of the treasurer and fiscal officers, and of every administrative officer, but of their trusted agents—from the highest to the lowest.

Here we come to the ideal use of accounts in modern business; to the old use of accounts as a means of testing the honesty of fiscal officers, we now add their employment as means of testing and measuring the efficiency of the work of all. To make municipal accounts and reports accomplish these latter results

has been the aim of the National Municipal League since the subject began to attract attention. To secure the introduction of accounts and reports that would measure the relative efficiency of all the various branches of municipal government, the League early prepared in a tentative form outlines of a uniform classification of revenues and expenditures. This classification was made the basis of the census schedules for preparing reports of the financial transactions and the financial condition of cities having a population of over 30,000 and I am asked to set before you the effect of the use of these schedules during the last seven years.

At the beginning of this seven year period a great mass of city officials looked upon the scheme for uniform accounts and reports as an iridescent dream of the visionary. Only a half dozen, more or less, of cities, large and small, could see enough in the scheme to make even a tentative use of the same in the reports of their fiscal officers, and these cities were of such varying sizes that the experience of one could be of but minor significance or assistance to the others. At that time if, for his own guidance, a city official wished to use the experience of another city upon any given subject, he had to secure the needed information not from printed reports but from personal correspondence with the officials who could compile the data for him. The growing desire for this information, however, had begun to become significant before the Bureau of the Census entered upon its work of compiling financial statistics. The Comptroller of St. Louis, Mo.—one of the ablest of our city fiscal officers—the Honorable James Y. Player, has informed me that five years ago the special inquiries of this kind by other city officers were sufficient to utilize the services of one clerk in his office all the time. With the advent of the Census publications, requests of this kind have practically come to an end. The census financial statistics of cities provide the basis for making the experience of one city the test and measure of the economy, wastefulness, or efficiency of the administration of our larger cities. I say the basis of such a test and measure, since if the census figures are employed further than as a basis for such purposes they may become sources of mischief and wrong rather than of good.

These statistics are now consulted more or less in the preparation of the budget in over one-half of our large cities, and the great mass of city officers begin to see that the scheme of uniform reports is not wholly an iridescent dream of the visionary, as was the case five or ten years ago.

In summing up the results of these seven years' use of the census schedules, I think I can best state the same by making use of some of the terms of the old religious revivalists of a half century ago. They employed three words to express the different changes in the minds and acts of the sinners as the result of the efforts of the churches and Christians to reform the evil-doers. Those words, or phrases, were "conviction of sin," "conversion," and "regeneration." Men were said to have been convicted when they were satisfied that they were sinners; but such conviction amounted to but little unless the mental impression led to some action by which the one convicted was turned sharp around from an evil course and began to walk in a correct one. Such a turning around was spoken of as conversion; but starting on such a good road, though commendable, was not enough; the converted must walk sufficiently in that road to become changed in all his vital relations with the world. Such a change was called regeneration.

Employing these old religious terms, I will begin my summary of results by saying that as one of the general results of the use

Officials

Convicted of

Shortcomings

of the census schedules, reinforced by all of the other factors working for municipal reform, city officials as a whole have become "convicted" of the folly of diverse accounts without system and without uniformity. They have become convinced of the value of accounts uniform for all cities, and arranged in a form that will permit of using accounts as a test and measure of the governmental economy and efficiency as well as of fiscal honesty. So far as I know, every national civic organization has placed itself on record in favor of uniform accounts and reports arranged substantially on the basis of the census schedule, and a very large number of state organizations are on record to the same effect. Laws have been passed in a number of states calling for uniform reports of city officials to

certain state officers; and in Ohio, Iowa, and New York these uniform reports are accompanied with a supervision on the part of state officials, and uniform accounts on the part of cities. This is a great change for seven years, and yet I must say that the officials of the smaller municipalities have as yet been touched but little by the spirit of change and modern progress, and there is still need of using all the energies of reform organization to show state, county, and local officials the true place of accounts in the management of governmental business.

The campaign is still on, and no friend of efficient government can rest content until every government official is aroused—"convicted," if you please—to the value of accounts as the measure and test of efficiency as well as of honesty. We must press home the good work, and if, to hide dishonesty or graft in their administration, city officials are in the way of introducing this modern use of accounts, we must see to it that the courts make use of another sort of conviction, at once to correct their wrong and to displace such officials by better ones.

In this connection, permit me to say that I believe the work of the Bureau of the Census in the compilation of financial and general statistics of cities gives to its agents in some respects the most agreeable and congenial work in which government employees are engaged. The city officers with whom our agents come in contact have all been "convicted," in the preachers' use of that word, but not in the terminology of the courts. They see the value in the statistics, and hence extend to the agents of the Census all the possible courtesies of official life. To this custom there have been in the last few years but few exceptions, and they were in the case of fiscal officers whose actions were crooked and otherwise defective. These exceptions are so few that they are hardly worth mentioning. I note this phase of the census work to show how fully the city fiscal officers have experienced the first change indicated in the old preachers' category of reformation.

I am glad that I can report more than the foregoing; I can say not only that all city fiscal officers have been convicted, but convinced, of the desirability of uniform accounts and reports for the purpose of making such reports the measure of official

economy and efficiency. A very large proportion of the fiscal officers of our larger cities have become converted; they are facing in another direction from what they were ten years ago. They are introducing in varying degrees the census classification of payments and receipts, and introducing accounts that are arranged for the purpose of making such accounts, in one way and another, the measure of efficiency of public service as well as a test of honesty. Of the cities containing over 30,000 inhabitants, over one-third have attempted in some large degree to make use of the census classification, and the other two-thirds, with few exceptions, have made some changes at least, to show that the officials are turning their feet as well as their faces in the right direction. They have been converted, turned 'round, and are walking in the right direction, even though they have not gone as far as we could wish, or as far as the situation demands.

The action of the city officials is in many cases modified by the advice and practice of local accountants whom they call in to assist them in improving their accounts. The subject of municipal accounts, and the uses of the same, are not very familiar to the average commercial accountant, and hence it is not strange that the cities fail to reach uniformity by a single step. Conversion is an individual change; it is a facing about, from one direction to another. American city financial accounts are now facing another way from what they were five or ten years ago. It will take a long time to adjust them to the new orientation, but that adjustment will take place in time. It is already taking place. The changes required fully to introduce accounts which will be tests and measures of and aids for efficient municipal government are many, but they are coming.

Prior to the discovery of America, all commerce and all civilization fronted upon the Mediterranean; Europe faced south, and along her southern shores were gathered all the large cities and the seats of empire. But with the rising of a new continent to the consciousness of the world, Europe began to change front; new centers of trade sprang up on the west, and to those centers shifted the supremacy of trade, commerce, literature, and art.

London, Paris, and Berlin took the places of Constantinople, Venice, and Florence. As Columbus discovered the new world, so the science of accounting has disclosed new uses for accounts and reports. In the days preceding our generation all governmental and private accounts dealt with personal problems; their main purpose was to show the amounts owing to different persons, and the amounts owing to themselves, and the extent of fiscal honesty. In our day, business men have discovered that efficiency is a virtue as well as an honesty; that waste is a sin as well as robbery; and the world of accounts must face this new world of efficiency.

The changes of modern accounting in private as well as in public business, to take recognition of this fact, have begun, and governments as well as private enterprises must as surely adjust themselves to them as the commerce of the world had to shift from the Mediterranean to the Atlantic with the rise of the new world to the west of Europe.

To change the character of the accounts and reports of the cities of a nation is a great undertaking; it is one which, in its magnitude, can only be likened to the reformation of the governments of the same city, and the placing of all municipal life upon a higher level. To accomplish one of these changes requires the services of all the friends of reform and of good government. If made, it must be brought about through the activity of a vast army working towards the same end. The modern reformer here must not allow his egotism to lead him to the conclusion that he is the only friend of good government whom God has left in the world; he must recognize that all about him are hosts of good people who have never bowed the knee to any of the Baals of unrighteousness. The movement for making accounts the measure and test of and aids for efficiency of city administration is now being carried forward by accountants, by citizens associations, by students of municipal conditions, by reformers generally; and that movement in the city of New York, and in the country at large, is being greatly reinforced through the active agency of the Bureau of Municipal Research, of which Dr. Allen is to give us an account this day. Mr. Chase is

to tell you what the accountants have accomplished in the way of introducing uniform reports and accounts in Massachusetts and throughout the country, and Dr. Allen is to set forth at length the work of the Bureau of Municipal Research in advancing the movement for improved accounts as measures and tests of and aids for increasing governmental efficiency.

For all the agencies mentioned and for all the workers to whom attention has been called as making improved accounts aids for increasing the efficiency of the democracy of cities, the schedules and reports of the Bureau of the Census have for seven years been of the most vital assistance. By comparative figures these reports have demonstrated to every doubting Thomas the fact that municipal accounts can be arranged on a common basis, the same as can those of private enterprises of the same type. Those reports, though confessedly far from perfect, as they will be when cities have introduced common systems of accounts, provide the basis for comparisons of efficiency and point the way for hosts of future comparisons to every one now made.

These object lessons have been of priceless assistance to every earnest worker in the field of improved accounts and reports. They point the way to the new world of better city government, of more efficient city government, which is surely rising in this Western world. This better government is not a matter of party government, but of popular aspiration and popular need, and with the world's face set in that direction, the current and activities of city life, of city hopes and aspirations, will substitute efficiency for incompetency, and economy for waste. When this is done we shall not only have city governments the leaders in honest administration, but also in economical and efficient administration; and I trust that the Bureau of the Census may continue to make its reports in the coming years as much an inspiration and guide and assistance to all these various workers as it has in the last few years.

In so saying, I wish to emphasize my belief that the city is the hope and not the despair of democracy. In the city must be wrought out the best civilization, the highest moral and intellectual life—a life that shall touch, and bless, and ennoble

existence, on the farm as well as in the mart; but the keynote of that reformation must be the marriage of efficiency to moral excellence in governmental as in private business. To secure this governmental efficiency, accounts will, by the force of events—the logic of history—be made uniform, as the measure and test and aid of efficiency of administration. The needs of higher life, the demands for increased expenditures, are all factors which, sooner or later, will force accounts to the aid of the efficient administration, and substitute the efficient for the wasteful and shiftless public officer. Here the Stars are fighting against every Sisera of corruption and of sloth; here we have the promise of that thorough regeneration of accounts to the needs of which our officials have been convicted, and in a large degree been converted.

Municipal Accounting as the Basis for Publicity of Municipal Affairs

HARVEY S. CHASE, C. P. A.
• Boston

"Conviction, Conversion, Regeneration" is the picturesque way in which Dr. Powers summed up the scope of the triptych, which will present to you in three papers the same number of viewpoints concerning publicity of municipal affairs and uniformity of municipal accounts.

My part in this triplicate, or triumvirate, has been assigned as the second one, "Conversion," namely: some brief statement of the changes which are proposed and of the actual methods by which these changes are to be brought about in municipal book-keeping and in forms of financial reports in order to realize in practice the many advantages which the advocates of "uniform municipal accounting" have long emphasized.

Having had considerable experience in various cities of the country in close contact with practical applications of the principles of standardization of municipal accounts, perhaps I cannot better illustrate my subject than by describing what steps have been taken in some of these cities and what the results have been.

In the main, attempts to reorganize municipalities' accounts along uniform lines must follow the same general course, although with marked variations in detail in different cities according to the methods then in use in each city and to the requirements of law therein. Here we strike the first serious obstacle to the municipal accountant's progress—the fixed requirements of law. In private enterprise no matter how large the

**The Fixed
Requirements
of the Law**

corporation or how complicated its transactions it is a comparatively simple matter to obtain authority to make changes in methods or even to reorganize the accounts completely. A board of directors, a general manager, a comptroller or auditor, possibly a few others, must first be convinced of the necessity and practicability of the proposed changes, whereupon the matter is settled, the authority is given, and the changes are inaugurated. All of these men in such a corporation are fully alive to the needs of their company. They are open to forceful argument and they desire to waste no time.

How different is the situation in a municipality, both as to the type of men and as to the bestowal of authority! The municipality of itself has no sovereign power. What power it has is derived from enactments by the state legislature. These enactments in the forms of city charters, of general laws applicable to all cities in the state and, frequently, of special statutes applying solely to one city, must first be studied and mastered by the accountant who proposes to reorganize a city's bookkeeping. Next the ordinances of the city council must be digested and frequently the first practical step to be taken is to redraft, or amend, a number of these ordinances, then to get these amendments accepted by various committees and finally passed by the city council, which often consists of two antagonistic chambers. It is evident that the path of the accountant even at the outset is not bestrewn with roses. In fact in all cases other than a few exceptional ones the accountants must expect to tread a thorny roadway; one full of stumbling blocks, hidden pitfalls and far stretching circumlocutions which waste energies and impair enthusiasms. Very often, too, the delays and unforeseen political complications exhaust the appropriation for the accountant's contract long before his specified labors have been completed and he then has before him the cheerless prospect of a steadily increasing loss of money in addition to the other difficulties in carrying out his contract. No wonder many professional accountants, after one or two such experiences, decline to undertake reorganization of municipal affairs except under per diem rates or other peculiarly favorable conditions.

It would be impracticable within the limits of a paper of this

character to touch upon all of the complicated matters which require the accountant's attention in any municipality's accounts, even in those of a small city.

I must therefore confine attention to the more important problems and of these the budget or appropriation bill is the primary one. You are doubtless familiar with the nature of a "budget," although the important part which it plays in establishing municipal accounting classifications may not be so clear to you.

The budget for the new fiscal year should be prepared as close to the beginning of the year as possible. It should be prepared either by the outgoing city government prior to **The Budget** the beginning of the new year or by the incoming city government immediately after the beginning of the year. The first method is preferable. The budget is based on estimates made by the heads of the departments and these estimates should be furnished promptly and in complete detail with comparisons showing the necessity for increases, if such are asked for. The reorganization and reclassification of a city's accounts should be undertaken at the same time as the preparation of the budget, and the final form of the budget as passed by the city council should follow the new classification. When enacted along these lines the arrangements of the accounts upon the city auditor's and city treasurer's books necessarily follow the new classification and a minimum of trouble is incurred. When, however, reorganization of a city's accounts occurs in the middle of a fiscal year very considerable difficulties are encountered in changing the classification and rearranging the balances of appropriations.

The first classification of a city's accounts upon the schedules proposed by the National Municipal League was published in the city auditor's report of Newton, Massachusetts, covering the fiscal year 1900. With this starting point the classification has extended all over the country, first through the adoption of it by the city comptroller of Baltimore; then by the city of Chicago so far as practicable under the laws of Illinois; then by Cambridge and various other cities in Massachusetts; next by adoption of these schedules and the application

of them in all of the cities in the State of Ohio; later by application to the forms of report of all the cities of the State of New York (other than New York City and Buffalo); then finally by the United States census in its reports upon all cities throughout the country. The latest form of the summary schedules is now presented in a volume issued by the department which compiles financial statistics for the cities and towns of Massachusetts.

It is exceedingly interesting to compare the development of the original schedule through all the evolution which has gone on during the past ten years, which has resulted **Massachusetts' Progress** in the admirable comparative tables now prepared by the Census Bureau and by the Massachusetts Municipal Statistics department, and by similar departments in other states. In Massachusetts it required three years of agitation in successive legislatures before an act could be obtained requiring the cities and towns to report to a state official annually upon uniform schedules prepared by that officer. This act was drafted by the writer and was finally passed in 1906. A concerted attempt is now being made in Massachusetts to enlarge the powers of the state board, making it a "local government board" and giving it authority over issuance of loans by cities as well as mandatory power over methods of accounting and reporting.

During the past ten years "uniform" classification of the revenues and of the expenses of municipalities in the manner herein indicated has become standardized and well established. Comparatively few changes may be expected in these classifications hereafter.

The next important step, which has so far been undertaken by but few cities, is the classification of accounts for a municipal balance sheet, which is a statement of **The Balance Sheet** assets and liabilities at the end of the month, year, or other fiscal period. The same tentative steps must be taken and the same gradual development gone through with in this matter as was done in the classification of revenue and expense. A considerable step has been taken during the past year in the reorganization of the

accounting methods of the City of New Bedford, Massachusetts, in the form of balance sheet which is now published monthly by the city auditor. This is the element of present day "conversion" which is most interesting to accountants and students of municipal affairs, and I will therefore elaborate it at some length.

The actual processes of the new methods of accounting in New Bedford are as follows: The invoices received by the departments are verified and approved by the heads of those departments and sent to the city auditor prior to the tenth of the following month. These invoices are taken up by the city auditor, properly classified and distributed, passed upon by the various committees of the council and authorized for payment. The total audit for the month is credited by the auditor to an "audits payable" account in his general ledger and charged to the various departments. When the treasurer pays the amounts of these invoices on orders from the auditor his payments are set up on daily sheets, classified in columns by funds. At the end of the day these sheets are verified, totaled and approved, and duplicate sent to the city auditor who enters these payments to the debit of audits payable and to the credit of the treasurer. In the same way cash receipts which reach the treasurer's office are entered upon daily sheets, classified by funds in columns, and also classified by the various sources of receipts which are printed on the sheet at the left, each line representing one source. At the end of the day, verification having been made, the totals of the columns, each pertaining to one fund, are taken up on the city treasurer's books and a duplicate sheet is sent to the city auditor, where the items are taken up in the latter's books, not by funds, but by the sources of the receipts. In this way an exact verification of cash is kept between the city treasurer's office and the city auditor's office, although the classifications both of cash receipts and of cash disbursements are quite different in the two offices. In one case, the treasurer, these classifications are related only to funds, while in the other case, the auditor, the classification relates to sources of revenue and to purposes of expenditure. In both city treasurer's and city auditor's offices the items from the daily sheets are entered

upon recapitulation sheets which cover all the working days of a month. Only the totals of these recapitulation sheets are journalized and entered in the ledgers at the end of the month. The new methods thus require a minimum of time in book-keeping while providing also satisfactory means for constant verifications between the two offices.

The "monthly statement" of the city auditor of New Bedford, which is regularly printed and laid before the council,

Analysis of	contains on its first page ¹ a trial balance consisting, first, of current assets and current liabilities and, second, of capital assets and liabilities.
Auditor's	
Balance Sheet	The current assets include taxes uncollected, other revenues uncollected, dues from the Commonwealth, cash in general fund and other funds, balances to be provided for from future issues of loans, etc.

The current liabilities include: Accounts payable, which consist of temporary tax loans, audits payable, payrolls payable, deposits, etc., balances of special funds, balances of non-revenue appropriations (from loans) balances of revenue appropriations (from revenue) and reserves against uncollectible taxes.

Capital assets include: Ledger accounts of costs or assessors' estimates, of city properties, new constructions authorized by appropriations, but not yet provided for by actual issuance of loans, water works property, etc.

Capital liabilities consist of loans and bonds outstanding, balances of trust funds which were used for general capital purposes and upon which interest is paid by the city annually, loans authorized by appropriation, but as yet unissued, and finally a general balancing account called "excess of public property."

In the Census Bulletin "Statistics of Cities, 1906," published in 1908, on pages 27, 28 and 29, a modified form of the New Bedford balance sheet is given (Schedule II) with critical comment thereon from which I may quote as follows:

Balance Sheet of New Bedford, Mass. A specimen of this last-mentioned form of balance sheet is here presented for the

¹See Schedule I herewith.

city of New Bedford, Mass. * * * From such a monthly statement for April 30, 1908, the Bureau of the **New Bedford's** Census has compiled a triple form of balance **Balance Sheet** sheet for the date mentioned. In arranging the balance sheet as indicated the Bureau has had the coöperation of Mr. Harvey S. Chase, under whose direction and supervision the city of New Bedford made during 1908 many important changes and improvements in its accounts and reports. * * *

Current Liabilities of New Bedford. The foregoing balance sheet of New Bedford separates current debt liabilities into three general classes (1) those "authorized but unincurred," (2) those "incurred but not accrued," and (3) those "outstanding;" that is, "authorized and outstanding." The authorized but unincurred liabilities are divided into four general classes—those arising, respectively, from "general revenue appropriations," "special revenue appropriations," "trust appropriations," and "appropriations for buildings and public improvements"—the general character of which has already been set forth at length. In cities authorizing local improvements to be met from special assessments, and in those making much use of special assessments, a fifth subdivision of authorized but unincurred liabilities would be carried in the accounts, which might very properly be given the designation "special assessment appropriations."

The current outstanding debt liabilities, or debts, are separated into two divisions—"accounts payable" and "revenue bills payable." The first five items under the first head are in the nature of private or quasi-private trust liability balances, and the last one is on account of public trusts for a non-municipal use. The license fees due the commonwealth may be considered as similar in all respects to an account payable in a private business, or to a credit balance in a quasi-private trust account.

Current Assets The first two items under "revenue bills payable" are properly included under that general **and Liabilities** designation. The character of the amounts included in the city's monthly statement or "trial balance" under the designation "audits payable" is not fully known. So far as those amounts represent outstanding warrants, they are properly included under the head of "bills payable," but so far as they represent audits for which no financial warrants or bills have been issued, they are "accounts payable."

Current Assets of New Bedford. The current assets of New Bedford are separated in the balance sheet into three subdivisions—"assets authorized but not accrued," "assets accrued

but not collected," and "cash," corresponding in a general way to the division of liabilities which would exist were "audits payable" made a class of liabilities by themselves.

At the beginning of the fiscal year the first-mentioned subdivision of assets was the largest, the second containing only small amounts of uncollected revenues of prior years. With the levying of the general property tax the authorized revenues were credited and the accrued revenues debited with the "taxes of 1908." Later, by the collection of sundry revenues, the authorized revenues were credited with further amounts, and the only authorized revenues not accrued were the miscellaneous revenues expected during the year, but not collected prior to April 30. The other current assets "authorized but not accrued" consisted of the proceeds of loans provided for financing the public buildings and improvements authorized by appropriation acts.

In cities making use of special assessments to meet current expenses or outlays, the division of the balance sheet here designated "revenues receivable" would include the amount of all special assessments levied but not collected, whether the same are due and payable in the current or in some future year. The accrued but not collected revenues shown as assets, if properly set forth in the accounts, should represent the amounts which will in all probability be received from their collection. Their aggregate debit entries should be balanced in part with offsets to allow for abatements and uncollectible taxes. If these offsets vary materially from the actual amount of accrued revenue that will not be collected, the balance sheet is not a true statement of conditions. The correctness of the sheet, and thus the administrative value of the summary, depends upon the good judgment and good faith employed in preparing estimates of uncollectible taxes as offsets to accrued revenues.

The laws of Massachusetts permit cities such as New Bedford to use any money in the treasury for meeting any authorized expenditures. As a result, most cities in that state actually keep but one fund, and special and trust accounts are not kept with special and trust fund balances, but merely represent the debt liabilities which exist by reason of the special and trust accounts. New Bedford has merged the greater number of its funds into one, but still separates the cash of two trust funds from other cash. With other laws governing the action of its officials, the city would have to carry the balance of all moneys received for special and trust funds separate and distinct from the fund for general purposes. * * *

Additional Division of Current Assets and Current Liabilities.
In cities which by law are compelled to maintain funds for all

special and trust accounts, the division of the balance sheet in which current assets and liabilities are presented may properly be subdivided rather than kept as a single account, as is presented for New Bedford.

Gross and Net Fixed or Funded Debt. In recording or summarizing accounts with municipal indebtedness the accounts and

**The Funded
Debt**

summaries should be in a form which will make them of the greatest service, not only to the administrative officials of the city but to all others concerned in the municipal management, namely, the taxpayers and the purchasers of municipal securities. Municipal indebtedness is readily separable, as has already been pointed out, into two principal classes—current and funded or fixed. The current debts, as all other current liabilities, are best shown in the summary of current assets and liabilities in their relations to the resources by which they are to be met. The funded or fixed debts are best shown in a section by themselves in connection with an exhibit of the assets provided for meeting them. The section of the balance sheet arranged for this purpose should be made to include all data needed to show the relation of the funded or fixed debt, and of its several parts, to the limitations placed upon the municipal borrowing power.

The fixed debt is separated in the balance sheet into four classes. The first of these is that of the indebtedness on account of the water-supply system. In Massachusetts, and in many other states, such debts are by law not included in the funded or fixed debts which affect the borrowing power of cities. The reason for this exclusion is that the water-supply systems are expected to be self-sustaining, and by their earning power to constitute an asset for meeting the debt incurred for their construction or acquisition. By this exemption the water-supply debt is constructively provided with a special asset equal to the excess of the water debt over the cash and investments of the water sinking fund. This practical recognition in the statutes of the earning power of the water-supply system is expressed in the accompanying balance sheet for New Bedford by making the water-supply system a constructive asset to the amount specified. This asset and the cash and investments of the water sinking fund balance the water debt. If there had been other fixed or funded debts subject to similar exemptions in the computation of net indebtedness, they would have been separated and shown in the same way in the same division of the balance sheet. In Massachusetts cities some five or six different classes of these exempted debts are met with, but so far as known only the one mentioned exists in New Bedford. * * *

The Relation of Indebtedness to Governmental Property and Funds. Attention has already been called to the fact that under the laws the permanent property and public improvements of

Indebtedness same legal relation to indebtedness as do the
and Property fixed properties of private enterprises. They

are resources for certain governmental purposes, but not of the financial business of governments, and hence are not even constructively assets, except in the case of water-supply systems and other specified properties, where by reason of their character they are made a legal offset to the debts incurred in their acquisition. The same statement holds true of the principal of public trust funds for governmental uses, which are funds appropriated for the uses specified, as are the properties and public improvements. While, however, these properties, public improvements, and funds are not "assets" in the commercial sense of that term, they have an important relation from the standpoint of both business and accounting to the public debt. They have been acquired in part by the use of money obtained from these debts, and the administrative requirements of good government make it necessary that these properties and public improvements should be brought and kept under accounting control, and that the accounts should be so kept as to disclose the present and prospective relations between the values of properties, public improvements, and public funds and the public indebtedness. This relation is shown for New Bedford by the third division of the balance sheet, which is arranged primarily to show the condition existing at the close of the year, when all the authorized constructions and loans have materialized. It includes the amount of unappropriated assets brought forward from division one, the net indebtedness of division two, and the value of the property, public improvements, and funds not presented in these divisions. The balance is the net contribution to or the proprietary interest of the taxpayer in the properties, improvements, and funds of the city at the close of the fiscal year on the basis of the authorizations stated in the balance sheet.

The balance sheet presented is not an accurate statement of the present or prospective financial condition of the city, since it makes no allowance for past or current depreciation in the value of public properties and improvements. It is, however, arranged so as to show how accounts with current depreciation should be treated in a balance sheet, and thus enable it to be prepared in such a form that it will become a true exhibit of the present and future financial condition of the city government. * * *

To secure correct monthly statements and provide information relating to the governmental financial condition that shall be of value to any one of the three classes of people just mentioned, the accounts and balance sheets of the city must provide for a proper presentation of all the facts whose records are summarized in the accompanying statement for New Bedford.¹

The importance of the municipal balance sheet and of monthly statements derived therefrom is sufficiently established by the quotations from the Census report.

To the development of such statements along the lines so well laid down by Mr. Powers must the attention of accountants be given in the future until satisfactory standard forms for such statements are devised and installed in all municipalities.

These results will be finally attained probably through the instrumentality of "Uniform Accounting Boards" of the various states under the leadership of the Census Bureau, assisted by expert accountants and others who have had experience and have given careful attention to these subjects.

¹NOTE: Copies of this balance sheet can be had upon application to the City Auditor of New Bedford or of Mr. Chase.—EDITOR.

The Present Status of Instruction in Municipal Government in the Universities and Colleges of the United States¹

By WILLIAM BENNETT MUNRO, Ph.D.
Assistant Professor of Government at Harvard University
Chairman of the Committee

"It is manifest that the instruction of the people," wrote Thomas Hobbes in his *Leviathan*, "dependeth wholly on the right teaching of the youth in the universities." The English philosopher no doubt grossly overestimated the influence which the institutions of higher education are capable of exerting upon the political ideals of a people; for the universities and colleges of the land constitute but one of the channels,—and perhaps only one of the minor channels—through which sound political doctrines may be disseminated. At the same time it is to be remembered that the universities and colleges of the United States have come to include upon their rolls of attendance a steadily increasing proportion of the young men and young women of the land; that these do not represent merely the average run of American youth, but an element which is far above the general level in intelligence, ambition, and in the promise of political capacity. It is not alone a select element in the national population, but an element which is almost uniformly made up of individuals at the formative period of life. No one with experience in collegiate teaching, if he be at all observant, can fail to notice the extremely plastic nature of the undergraduate mind, its entire receptivity, and its wholly indiscriminating acceptance of what may be laid before it. It is at this

¹ Report of the Committee on the Coördination of Instruction in Municipal Government.

stage more than at any other that a man's general attitude toward political, social and economic questions is apt to be definitely framed. Impressions made at this stage usually sink deep, and can be eradicated only with slowness and difficulty.

The task of the teacher of political science is therefore one of extreme responsibility and is the embodiment of an unusual opportunity. It is the privilege of such teachers

The Task of the Teacher to afford annually to thousands of young men, drawn from the best homes in the land, their first definite impressions concerning the nature of the state and the workings of its administrative organs. This is a high privilege and presents an opportunity for influence such as is given to but few professions. But the privilege is not more than commensurate with the responsibility involved; for upon the zeal and capabilities of the instructor will depend in large measure the extent to which the student's interest in the affairs of government will be aroused, the attitude which he will assume toward the problems of government when he goes out into the world, and the fund of useful information which he will be able to turn to account in fulfilling the duties of active citizenship.

It was with these features in mind that the National Municipal League established, some years ago, its Committee on Instruction, and entrusted to this body the task of securing such coöperation among teachers of municipal government as might prove possible, as well as such coördination of instruction in this subject as the varying character of different universities and colleges might permit. It was hoped that by mutual interchange of views between instructors engaged in this work the efficiency of the instruction might be increased, and that the successful experience of each teacher might be made to serve the profit of all.

The League's Committee on the Coördination of Instruction This task, the committee hopes, has been in some degree accomplished. It has not been the committee's aim to advocate any definite system or method of instruction in municipal government, much less to carry on a propaganda for any political principles. On the contrary it has consistently recognized that the scope of instruction must relate itself to the resources of the university

which undertakes it; that the methods of instruction must relate themselves to the tastes and capabilities of the instructor who imparts it; and that when instruction ceases to be a scientific and impartial presentation of facts, conditions and problems and becomes the vehicle of any propaganda it forthwith loses its chief claim to the consideration of scholars. The chief work of the committee has been, therefore, not the advocacy of any principle or practice; but the collection of such data as might seem to be of service to teachers and the placing of this at the disposal of those whom it might interest.

It was in keeping with this general policy that, during the past year, an elaborate inquiry was conducted with a view to finding out just how much instruction in the subject of municipal government is actually undertaken by the different universities and colleges of the United States, whether in special courses devoted wholly to this particular field or as part of the general programs of instruction in political science. To this end circular questionnaires were addressed to more than 200 such institutions situated in every part of the Union and including educational establishments of every grade, from the largest universities down to the smallest rural colleges. Information was sought as to the number of independent courses in municipal government afforded by each institution; the number of students, undergraduate and graduate, enrolled in such classes; the amount of time devoted to this particular subject in connection with the general courses on sociology, economics, or government; the number of students who receive the benefit of this instruction; the scope of the different courses (e.g., whether confined to American cities or including European as well); the methods of instruction, whether by lectures, recitations, or other means; the opportunities afforded to students for investigating actual municipal machinery or for taking some part in active politics—on these and a variety of like matters the committee sought precise information. On the whole the response was ready and cheerful; replies were had from over 160 institutions, and with these as a basis the committee has been able to obtain an accurate idea concerning the status of instruction in the country as a whole.

In the first place the inquiries of the committee have served clearly to establish the fact that during the last decade or more, a marked development of the subject has taken place in the programs of educational institutions. Ten or fifteen years ago, independent instruction in the subject of municipal government was afforded in only three or four of the largest universities of the country, and here, moreover, it was regarded as a field of study for the specially qualified, not for the ordinary undergraduate. At the present time, however, independent and distinct instruction is given at more than forty universities and colleges, and the number seems to be steadily on the increase. The University of Chicago now provides 7 distinct semester courses on different aspects on municipal government; other large institutions of the Middle West afford from one to four courses each. No Eastern university provides more than a single distinct course in the subject; and some of them do not offer even this. Many Eastern colleges, however, are undertaking work in this special direction, and intimation has come to the committee that others are planning steps in the same direction. President Reed of Dickinson College, Pa., writes to state his conviction "that a good strong independent course in municipal affairs would be of vast advantage to American students," and expresses the hope that one may be established shortly in his institution. Chancellor McCormick of the University of Pittsburgh reports that he is "preparing to give thorough instruction in this important branch next year," and encouraging reports to the same effect have been received by the committee from a number of other institutions. Indeed there seems to be every reason for thinking that the next decade will witness a more rapid extension of collegiate interest in this subject than that which has marked the past ten years.

Owing to the limited nature of their resources, many institutions have not found it possible to establish independent instruction in municipal government, but endeavor to have this subject dealt with in connection with their general courses in political science, sociology, or economics. Courses in American government, if they are at all comprehensive in scope, must

deal to some extent with the government of cities. Instruction in public finance must to some extent lead the student into the field of municipal taxation, expenditures and loans. The field of sociology and social ethics include many matters directly connected with the efficiency of civic administration and particularly with the exercise of the city's police power. The committee has not, however, sought to follow up all this incidental instruction, but has endeavored simply to find out how much attention is given to municipal government in the regular courses upon the science of government in general. Almost

every university and college in the country
Incidental has one or more courses of this nature and the
Instruction time allotted to municipal government varies from two to thirty exercises per year. The emphasis which instructors are placing on this branch of the general field is evidently growing as shown by the replies to the committee's circular, and the instructors find that, from the student's standpoint, this phase of the work proves highly interesting. In a number of colleges instructors have intimated their intention of giving more time to this branch in view of "the increasing importance of the city in the general system of American government." With most of the smaller institutions, however, the question is merely one of financial resources: the desirability of more instruction is fully recognized, but as in many cases only one instructor is provided for the whole field of government, he must necessarily decentralize his energies over a broad field.

Wherever special instruction in municipal administration is afforded, it has apparently proved its popularity with the student body. The largest single class in the subject is
Municipal that at Yale University, where Prof. W. B.
Instruction Bailey's course has a total enrollment of 431
Popular with students, but the courses in this subject at the
Students University of Chicago numbered 166 last year and of this number over 80 were graduates. The course in municipal government at Harvard numbers regularly about 100, while some half dozen other institutions report an attendance of from 50 to 75 students in special courses of this nature. This

of course does not include the large bodies of undergraduates who receive a smaller or larger amount of instruction in connection with the general courses of political study. The number of these latter runs well up into the thousands, and affords an adequate proof that the study of political science, so far as its attractiveness to the students is concerned, is quite capable of holding its own.

The methods of instruction show no approach to uniformity. Some instructors conduct their classes wholly by lectures; others

No Approach to Uniformity in Methods of Instruction by recitations. Some combine both methods. Many require each student to present a thesis or essay embodying the results of personal investigation into some phase of the work.

Where the university is situated in a large city this is a practicable and highly useful form of student training; but as many instructors point out, the rural location of an institution frequently precludes any effective use of this method. One instructor has solved this difficulty by requiring each student to present a "vacation report" including the results of an investigation made during the Christmas or Easter vacations and based upon data gathered by the student in his own city or a city allotted to him for study. A very comprehensive study of the New York police system is to be undertaken by a dozen students of Williams College during the coming Christmas recess under the general direction of one of the assistant commissioners. Some instructors report a successful use of class debates on municipal questions; others have found that the interest of the students may be developed by informal class-room discussions. In a considerable number of instances it has been found entirely feasible to afford students some practical experience in municipal politics. In Boston the students both at Tufts and Harvard are given opportunities to serve as checkers and watchers at the polls, and also are utilized by the good government organizations in collecting data concerning candidates. Similar opportunities are afforded to some extent in New York, Chicago, Philadelphia, Cleveland, Los Angeles, and other cities. In many of the larger institutions, moreover, there exist political clubs, or in some cases municipal government clubs, or city clubs,

opened the discussion with a résumé of his many years' experience in the teaching of the subject, giving his views as to the scope and method of a university course on the government of cities. The speaker emphasized his opinion that the subject of municipal government should not be made available to students until they had already obtained a grasp of comparative administration in general, and that instruction in the special subject should not be open to undergraduates until at least the junior year of a college course. The city should not be studied, Professor Goodnow thought, moreover, as an isolated unit, but as a part of the whole governmental machine, hence the relation of the municipality to the state ought to be a guiding thread. The speaker also felt that a well-organized course on municipal government ought to include a study of European cities in order that the comparative method might be profitably employed. Other matters such as the nature of the lectures to be given by the instructor, the value of thesis work by students, and the need of a "source book" as an auxiliary to efficient teaching were touched upon briefly.

Prof. Henry Jones Ford of Princeton University dealt with the purpose and aim of instruction in municipal government. An effective course in the subject ought to be strictly disciplinary in its nature and ought to train the student in the use of official data rather than set before him a mass of information in the form of lectures. The actual information which the student carried with him from the class room was, he believed, a consideration of the very slightest importance.

Prof. J. W. Garner of the University of Illinois discussed at some length the question as to where, in a general course of instruction, the main emphasis should be placed. He was not in favor of devoting any time to the history of municipal institutions, and he thought, moreover, that too much time was generally devoted to the study of municipal organization, to the powers of the different municipal officers, and to the framework of administration. More attention should be given, he felt, to municipal functions, to the actual exercise of the city's powers, and to the economic aspect of the whole question.

Prof. J. A. Fairlie of the University of Michigan called attention to the striking utility of the subject as a field for inductive study. The vast and heterogeneous nature of the material available for the comparative study of municipal government rendered this special field particularly well suited to research work of an elementary sort. Students should be required to examine carefully selected portions of this material and to present reports embodying generalizations drawn therefrom. No other branch of political science affords better facilities for work of this nature.

Prof. W. W. Willoughby of Johns Hopkins University continued the discussion, speaking of the place which the study of city government ought to occupy in the general political science program.

It was arranged that another round table conference on the same subject should be held in New York during the last week of December, 1909.

APPENDIX

Institution	Where located	Courses devoted wholly to Municipal Government			Number of Students		Courses devoted partly to Municipal Government			Number of Students		Total
		Number	Time	Under-Grad.	Graduates	Number	Time	Under-Grad.	Graduates			
1 Adelphi College.....	Brooklyn, N. Y.....	1	½ year (56 hours)	15	2	1	56 hours	36	..	53		
2 Albany College.....	Albany, Ore.....	..	..	..	..	1	..	7	..	7
3 Allegheny College.....	Meadville, Pa.....	1	24 hours	25	..	..	..	..	..	25
4 Amherst College.....	Amherst, Mass.....	..	..	..	..	2	..	..	..	..
5 Amity College.....	Colorado Springs, ..	..	..	..	..	2	5 lectures	15	..	15
6 Antioch College.....	Yellow Springs, O....	..	..	..	..	1	..	..	..	..
7 Armour Inst. of Technology...	Chicago, Ill.....	1	8 lectures	12	..	1	6 exercises	150	..	162		
8 Atlanta University.....	Atlanta, Ga.....	..	..	..	..	1	10 or 12 recitations	20	..	20
9 Auburn Theol. Seminary.....	Auburn, N. Y.....	..	..	..	..	1	..	..	..	..
10 Baker University.....	Baldwin, Kan.....	..	..	..	..	1	..	40	..	40
11 Baltimore, Woman's College of	Baltimore, Md.....	..	..	..	..	1	16 exercises	11	..	11
12 Bates College.....	Lewiston, Me.....	1	36 hours	60	..	1	36 hours	100	..	160		
13 Baylor University.....	Waco, Tex.....	..	..	..	..	..	..	..	..	..
14 Beloit College.....	Beloit, Wis.....	1	½ year, 3 hours a week	10	..	2	..	15	..	25		

[illegible]

APPENDIX—Continued

Institution	Where located	Courses devoted wholly to Municipal Government		Number of Students		Courses devoted partly to Municipal Government		Number of Students		Total
		Num-ber	Time	Under-Grads.	Graduates	Num-ber	Time	Under-Grads.	Graduates	
40 Dickinson College.....	Carlisle, Pa.....	..	..	..	..	1	required	for sophomores	..	25
41 Drake University.....	Des Moines, Iowa ..	..	..	..	..	1	2 hours a week, 3 months	25	..	..
42 Elmira College.....	Elmira, N. Y.....	..	..	..	..	..	..	..	..	..
43 Fayette College.....	Fayetteville, Ark.....	..	..	..	..	1	1 hour	8	..	8
44 Fiske University.....	Nashville, Tenn.....	..	..	..	..	..	..	..	..	..
45 Franklin College.....	Franklin, Ind.....	..	..	..	..	1	..	10	..	10
46 Furman University.....	Greenville, S. C.....	..	..	..	..	1	..	..	..	..
47 George Washington Univ.....	Washington, D. C.....	1	3 hours week 1 term	10	..	..	..	..	..	10
48 Georgia, University of.....	Athens, Ga.....	..	..	..	..	2	..	40	..	40
49 Grove City College.....	Grove City, Pa.....	..	..	..	..	1	15 lectures	45	..	45
50 Gustavus Adolphus College	St. Peter, Minn.....	..	..	..	..	3	considerable attention	30	..	30
51 Hartford Theological Sem'y.....	Hartford, Conn.....	..	..	..	..	1	..	..	..	..
52 Hamline University.....	St. Paul, Minn.....	1	38 hour lectures	25	..	2	several weeks	30	..	55

[illegible]

APPENDIX—Continued

	Institution	Where located	Courses devoted wholly to Municipal Government		Number of Students		Courses devoted partly to Municipal Government		Number of Students		Total
			Num-ber	Time	Under-Grads.	Graduates	Num-ber.	Time.	Under-Grads.	Graduates	
75	Maine, University of.....	Orono, Me.....	1	1 hour week through year	18	..	2	..	70	..	88
76	Maryville College.....	Maryville, Tenn.....	..	..	..	..	1	..	135	..	135
77	Mass. Agricultural College.....	Amherst, Mass.....	..	..	..	..	1	10 hours	50	..	50
78	Miami University.....	Oxford, Ohio.....	..	..	..	..	1	1 week	25	..	25
79	Michigan Agricultural College..	Lansing, Mich.....	..	..	..	..	..	..	..	..	..
80	Michigan, University of.....	Ann Arbor, Mich.....	2	96 hours	20	3	2	8 hours	50	3	76
81	Minnesota, University of.....	Minneapolis, Minn..	4	144 hours	..	..	..	..	..	..	..
82	Missouri, University of.....	Columbia, Mo.....	1	2 hours	8	..	2	..	49	1	58
83	Montana, University of.....	Missoula, Mont.....	..	1 week, 1/2 year	..	..	1	3 days	8	..	8
84	Morris Brown College.....	Atlanta, Ga.....	..	..	..	..	..	..	..	..	..
85	Mt. Holyoke College.....	South Hadley, Mass.	..	..	..	..	..	..	..	..	..
86	Muhlenburg College.....	Allentown, Pa.....	..	..	..	..	1	40 hours	14	..	14
87	Muskingum College.....	New Concord, Ohio..	..	..	..	..	2	..	50	..	50
88	Nebraska, University of.....	Lincoln, Neb.....	2	2 hours for 16 weeks	..	22	3	about 40 lectures	150	..	172
89	Nebraska Wesleyan University.	University Pl., Neb.	1	1 hour 1 semester	15	..	2	about 10 periods	25	..	40

90	New Mexico, University of.....	Albuquerque, N. M.	..	..	..	..	..	..	..
91	New York, College of the City of.....	New York City, N. Y.	..	..	..	..	..	..	..
92	New York University.....	New York City, N. Y.	..	..	..	75 hours	40	10	50
93	North Carolina, University of.....	Chapel Hill, N. C.	..	..	..	..	..	..	..
94	North Dakota, University of ..	Grand Forks, N. D.	x	15	3	..	59	1	75
95	North-Western College.....	Naperville, Ill.....	x	..	..	..	..	..	..
96	Oberlin College.....	Oberlin, Ohio	x	30	..	..	..	..	30
97	Ohio State University.....	Columbus, Ohio	2	..	..	..	..	..	..
98	Ohio University.....	Athens, Ohio.....	..	..	..	not much	..	..	..
99	Ohio Wesleyan University.....	Delaware, Ohio.....	..	..	1	..	30	..	30
100	Olivet College.....	Olivet, Mich.....	..	..	..	..	..	..	..
101	Oregon Agricultural College.....	Corvallis, Ore.....	..	..	..	..	..	..	..
102	Oregon University.....	Eugene, Ore.....	x	..	1	5 or 6 meetings	40	..	40
103	Pacific University.....	Forest Grove, Ore....	..	..	1	12 lectures	5	..	5
104	Pennsylvania College.....	Gettysburg, Pa.....	..	..	1	..	20	..	20
105	Pennsylvania Coll. for Women ..	Pittsburgh, Pa.....	..	..	..	..	..	..	..
106	Pennsylvania State College	State College, Pa....	x	80	1	..	40	..	120
107	Pennsylvania, University of.....	Philadelphia, Pa.....	x	72 hours	3	12 hours	80	..	108
108	Pittsburgh, University of.....	Pittsburgh, Pa.....	..	..	..	..	..	..	..
109	Pomona College.....	Claremont, Cal.....	x	32 hours	1	16 hours	12	..	37
110	Princeton University.....	Princeton, N. J.....	x	1 term	3	..	550	20	570
111	Proseminar College.....	Elmhurst, Ill.....	..	..	..	little	..	..	..

APPENDIX—Continued

Institution	Where located	Courses devoted wholly to Municipal Government		Number of Students		Courses devoted partly to Municipal Government		Number of Students		Total
		Number	Time	Under-Grads.	Graduates	Number	Time	Under-Grads.	Graduates	
112 Purdue University.....	Lafayette, Ind.....	..	..	..	..	2	..	300	..	300
113 Radcliffe College.....	Cambridge, Mass....	1	90 hours	9	3	..	..	..	..	12
114 Randolph Macon Woman's Coll. Lynchburg, Va.....	..	..	..	..	..	1	1 hour a week through year	20	..	20
115 Rio Grande College.....	Rio Grande, Ohio....	..	..	..	..	..	..	..	..	..
116 Rochester, University of.....	Rochester, N. Y.....	..	..	..	..	..	..	..	..	..
117 Rockford College.....	Rockford, Ill.....	..	..	..	..	1	..	10	..	10
118 St. Charles College.....	Ellicott City, Md....	..	..	..	..	..	..	..	..	..
119 St. John's College.....	Annapolis, Md.....	1	30 hours	50	..	1	..	25	..	75
120 St. Lawrence University.....	Canton, N. Y.....	..	..	..	..	1	..	75	..	75
121 Shaw University.....	Raleigh, N. C.....	..	..	..	..	..	..	..	..	..
122 Simmons College.....	Boston, Mass.....	..	..	..	..	..	..	..	..	..
123 Simpson College.....	Indianola, Iowa.....	..	..	..	..	2	..	..	..	..
124 South Dakota, University of.....	Vermilion, S. D.....	..	..	..	..	1	..	..	..	..
125 South Carolina, University of.....	Columbia, S. C.....	..	..	..	..	..	..	..	..	..
126 Southern California, Univ. of.....	Los Angeles, Cal.....	1	3 hrs. week; 1 semester	29	1	2	..	30	..	30
127 Southern University.....	Greensboro, Ala.....	..	..	..	..	2	..	..	..	..

128	Stevens Institute of Technology	Hoboken, N. J.	..	..	..	2	..	180	..	180
129	Swarthmore College	Swarthmore, Pa.	1	..	..	1	..	..	..	..
130	Syracuse University	Syracuse, N. Y.	..	..	..	1	..	..	..	..
131	Tabor College	Tabor, Iowa	..	..	..	1	8 hours	6	..	6
132	Talladega College	Talladega, Ala.	..	..	..	1	..	6	..	6
133	Tennessee, University of	Knoxville, Tenn.	1	3 weeks	8	1	..	12	..	20
134	Texas Agricultural and Mechanical College of	College Station, Tex.	..	..	..	1	6 months	..	..	..
135	Trinity College	Hartford, Conn.	..	..	..	2	20 hours	15	..	15
136	Trinity College	Durham, N. C.	..	..	..	1	3 hours	20	..	20
137	Tufts College	Medford, Mass.	..	..	..	1	12 exercises per year	20	..	20
138	Tulane University	New Orleans, La.	..	..	..	1	10 hours	15	..	15
139	Union College	Barbourville, Ky.	..	..	..	..	..	..	..	..
140	U. S. Military Academy	West Point, N. Y.	..	..	..	..	..	..	..	..
141	U. S. Naval Academy	Annapolis, Md.	..	..	..	..	..	..	..	..
142	University of the Pacific	San José, Cal.	..	..	..	2	..	..	..	..
143	University of the South	Sewanee, Tenn.	..	..	..	2	..	15	..	15
144	Ursinus College	Collegeville, Pa.	1	2 hours per week	14	2	4 hours	10	..	24
145	Utah, University of	Salt Lake City, Utah	..	..	..	..	..	..	..	..
146	Valparaiso University	Valparaiso, Ind.	1	60 hours	140	1	..	205	52	424
147	Vanderbilt University	Nashville, Tenn.	1	1 year	..	..	..	..	..	..

APPENDIX—Continued

Institution	Where located	Courses devoted wholly to Municipal Government		Number of Students		Courses devoted partly to Municipal Government		Number of Students		Total
		Num-ber	Time	Under-Grads	Graduates	Num-ber	Time	Under-Grads	Graduates	
148 Vassar College.....	Poughkeepsie, N. Y.	..	..	..	..	..	..	..	..	..
149 Virginia, University of.....	Charlottesville, Va..	..	..	..	..	..	..	..	..	..
150 Wake Forest College.....	Wake Forest, N. C.	..	..	..	..	a few lectures	..	..	..	..
151 Washington College.....	Chestertown, Md..	..	..	..	..	..	..	..	..	..
152 Washington and Jefferson Coll.	Washington, Pa....	..	..	..	..	..	..	..	..	..
153 Washington University.....	St. Louis, Mo.....	..	..	..	..	..	..	..	..	..
154 Wellesley College.....	Wellesley, Mass....	..	..	..	..	1	..	..	..	..
155 Wells College.....	Aurora, N. Y.....	..	..	..	..	..	..	..	..	..
156 Wesleyan University.....	Middletown, Conn..	..	..	..	..	..	..	..	..	..
157 Western College for Women....	Oxford, Ohio.....	..	..	..	..	..	..	..	..	..
158 Western Reserve University....	Cleveland, Ohio....	1	50 hours	23	2	1	5 hours	20	..	45
159 Western Theological Seminary....	Allegheny, Pa.....	..	..	..	..	..	..	..	..	..
160 Wheaton College.....	Wheaton, Ill.....	..	..	..	..	1	3 hours	8	..	8
161 Williams College.....	Williamstown, Mass.	..	..	..	..	..	..	..	..	..
162 Wisconsin, University of.....	Madison, Wis.....	1	48 hours	20	2	3	..	75	30	127
163 Worcester Polytechnic Institute	Worcester, Mass....	..	..	..	..	1	10 exercises	105	..	105
164 Yale University.....	New Haven, Conn..	1	80 lectures	410	21	about 200 lectures	..	200	..	631
165 Yankton College.....	Yankton, S. D.....	..	..	..	..	2	..	..	..	..

Some Fundamental Municipal Needs in Pennsylvania

HON. GEORGE W. GUTHRIE
Mayor of Pittsburgh

A distinguished authority is reported to have said some time ago that the science of good government lies in the art of being honest. Now while we cannot overestimate the great importance which honesty has in all aspects of government, we should not for a moment believe that good government consists simply in being honest. It is an essential element of good government, but there is much more necessary. There must be intelligence—intelligence to appreciate the capacity of government, to aid in the uplift of humanity—intelligence to understand both what government can do and its proper limitations. There must be also a strong moral purpose to attain the ends and accomplish the objects for which our intelligence teaches us just governments exist, and capacity either to do the thing ourselves or to secure someone else who will do it well for us. These two things, joined with honesty, give good government. One alone, however good in itself, will accomplish but little.

And so when the committee asked me to speak to you tonight on "Some of the Fundamental Needs for Good Government in the Cities of Pennsylvania" my mind at once ran onto these lines:

"First we need in the people a knowledge of the meaning and significance of municipal government. Its proper place in our scheme of government, and its relation both to the people of the city and to the national life." Our cities have grown up here in a rapid way and largely in a haphazard way and there has grown up with it a very false conception of the proper place of municipal administration in our general system of government.

We have been taught from the legal standpoint—and speaking from the standpoint of the lawyer it is true—that our city government is a subordinate function of the state government. Unfortunately we have grown into the habit of putting a very pernicious word into the statement, so as to make it read that the city is merely a subordinate function of the state government; and that has warped our minds—the minds of the people—as to the significance and the vital importance of our city government.

Now I think that misconception is being rapidly corrected. There is evidence all through this state, as in the country generally, that the people are awakening to the vital importance of their city governments to them, the state and the nation; that whatever their function may be as subordinate departments of the state government, they are also an expression of the aggregate life of the people who live within the city.

The city government is the agent of the people of the city in accomplishing that for their good which cannot be accomplished by any other agency which has yet been discovered; and its powerful influence in these fields cannot be overestimated.

Moreover, not only is it the expression of our aggregate life—of our moral standard—of our intellectual capacity—but it is the mold in which the life of tomorrow is being run; and what we make of our city today will mold the life and destiny of the young people who will tomorrow take our places and rule the city. If the standard of our city is low—if the purpose of our city is debased—if low moral standards prevail in the government of our city—there is no human influence at work which will have as potent an influence on the moral standards of the young who are growing up under its influences.

A very great student of the life of this city and a close observer of it—a man who is more in touch possibly with it than any other—said to me that he did not know any influence which was so pernicious, which was so destructive to the moral sense of the young men of the city, as to impregnate them with the idea that there was no honesty, no honor, no uprightness in the city government or in the men who control it; that that idea,

when it took root among the young men, was almost impossible to counteract and overcome. And the reverse of it is true. Give them high standards—high ideals. Let them see that the men that you call to your offices—the men who represent the aggregate life of your community, its composite moral sentiment—represent a high ideal of life and decency and honor and honesty, and you will do more to influence the young men of this city for good than any other human agency can do.

Now when our people looked upon the city as merely a subordinate function of the state government, the idea grew with them that the control of its political patronage to be used in strengthening the party organization and in rewarding the party worker—to encourage this man to stand by the leader—to give a job to the man who voted with the organization in the primary and at the convention—was a proper function of city government. Of course, because this idea is in itself corrupt, it gradually and certainly drew the standard of our city life lower and lower and if adhered to it is certain ultimately to reach the lowest depths.

Then we found another evil coming from that idea. The evil of bad city government is not and cannot be confined to the community involved. The debasing, the corrupting, influence of that idea in your city is spreading through your states, and from your states to your nation; and I want to say to you in all sincerity, that if disaster ever comes to this nation which we love, it will not come from without, but it will come from the degrading of the life of our cities and, through that, the life of the whole country, till it sinks to such a standard that that Providence that rules the world will wipe it away as an obstacle in the way of the growth and development of humanity. There is the only danger.

But the people of this country will never have that—they will never permit that.

They are awakening to the evil and their duty in regard to it, and they are going to have their cities clean; and then the stream of political life that moves from their cities into

the national life will be clean like the source from which it springs.

And then, my friends, what more does your city government mean to you? I am not speaking of the wastefulness of money in a dishonest government. That is bad; and the loss of opportunity occasioned by it and the corrupting influences which flow from it, are bad. But there is worse. I refer to its effect on the life, the moral life and the physical life, of the people. The safety of your homes and your firesides from all sorts of evil influences, not merely from the robber and the thief but from corrupt moral influences, and from the disease which you cannot keep out of your house if you leave it rampant in your cities, depends upon your city governments.

If you would have your households safe from preventable diseases—if you would see your children grow to healthy manhood and womanhood—make the environment in which they live healthy. Why you know that typhoid fever which was for a generation epidemic in this city was no respecter of persons. It found its way into the most carefully and jealously guarded household, as it did into the households of the poor that were unable to afford any private means for protection. And when you think, too, of all those lives that have been wasted by that scourge that could and should have been driven out of this city as easily ten years ago as it is today, then you realize what bad city government means to you, not in your pockets alone, but in those things which are nearest and dearest to every true man and woman in the city.

That is what good government means.

All infectious and preventable diseases can be controlled; but they must be controlled by the organized effort of the city. The power of the city is the only power that is sufficient to put into efficient operation those things which are necessary to stamp out such diseases.

Today I think the people of Pittsburgh can congratulate themselves that certainly in the great central district of the city and in a short time in the other sections too typhoid fever will be gone from our midst. Is it not plainly our duty to move forward? Can we stop now?

There are other diseases, diseases which spring from other causes, but which are just as easily to be controlled, just as easily to be eliminated. Why, with an earnest effort for ten years you can make a new case of tuberculosis as rare as typhoid fever will be in a little while. Just think what that means. Just think of the suffering that will be eliminated.

I won't take up more of your time on this line. There are other speakers that you want to hear, who are to follow me, so I will pass on to other ideas. These things to which I have referred, however, illustrate what I mean when I speak of the vital importance of good government to the people: what I mean when I say the city can make out of the life of Pittsburgh whatever the highest standard and the highest ideal of the people may demand—intellectual and physical ideal we can lift our people to.

Now then the other thing that you need is not only a knowledge of what cities mean and of what can be done with them, but a moral purpose that you will meet the responsibilities which rest upon you in these matters before you can accomplish them. We are moral agents. Our city, which is but the aggregate of a number of moral units, is also a moral agent, and upon us rests the moral responsibility for what we do with it—for the influence of the city as controlled by us upon the life of those who will come here after us and upon the life of our nation itself for good or evil. We may neglect our duty—we may misuse our power—but we cannot escape our responsibility.

So we come to the next need. I believe these two needs to which I have referred are fast passing away in our state, that we are learning to know what the city should be, and that we are awakening to our responsibility and to a moral determination to meet it. But next we want the opportunity and the legal power to meet this responsibility.

Now there is one very serious obstacle in the power of the people to govern their city as well as their state, and that is in the restrictions which have been placed upon the liberty of the ballot in this state. A little while ago these restrictions were attacked in the courts as unconstitutional, because they destroyed

**The Liberty
of the Ballot**

the liberty and the equality of elections which the constitution guaranteed to the people; and I want to tell you that so plain—so strong—was the attack on that ground, that the provisions complained of were sustained by a majority only in the supreme court. Some of the judges were of opinion that they ought to be stricken down for that reason. Well now, when it comes so near to the letter of the prohibition of your constitution, don't you see how really obnoxious it is to the spirit? This law which destroys the liberty of the ballots, which destroys the equality of elections, must be changed to give back to the people the whole power to govern our cities.

Demand of the legislature that they give back to us that which belongs to us by virtue of our manhood, a free ballot that no one can control and in which no one has a greater right in than we have.

And then you want more power to your cities. You want more authority in your city government to do that which is needed for the well being and the safety of the people in general in order that it may fully meet the responsibilities belonging to it.

There is no use in thinking that you can make your cities good by depriving them of power. They can be just as vile and vicious in their administration under restriction as they can be with full power, but they cannot be as effective for good. Give them the full power. Let the people have the power to do right. Let them bear the responsibility for doing wrong. And then we shall have an opportunity to make out of our cities what they ought to be.

Look at the absurdity of the law as it stands today. Philadelphia, being the one city of the first class, can, if she has sufficient political influence, get some change in her charter from the legislature without anybody else's consent. Pittsburgh and Scranton have got to go together. Pittsburgh cannot get a change in her charter without satisfying Scranton; nor can Scranton get a change in her charter without satisfying Pittsburgh. Neither of these cities can get out of the class in which it now belongs without getting permission from the legislature;

and if we want to go into the cities of the first class we have got to get the consent of Philadelphia's representatives. And moreover if we do get into that class we have got to take the charter of Philadelphia as it stands whether it suits our needs or not; and if Scranton does not like the charter we have, she may if she can get permission become a city of the third class and be governed by its law. She must sleep in a bed made to fit all the little cities of the state. Why, it is absurd. Let our cities, as the National Municipal League has advocated for years, be given power to frame a government of their cities in such form as they think wise. They are able to do it. They are just as able to do it as the people of the state. Let them, subject to the general laws of the state, have all the powers necessary to carry out the purposes of municipal life. Then we can look forward to bright days for city government. Then we can unhampered go forward and get rid of the evils which injure our lives and obstruct our development.

Now, just a moment. Look at this situation. What we are we owe to our city. The value of our property is only great because of the congestion brought here—because of the needs of the community in it—because of the protection which the city gives to it. The value of our business is due to the city; and what we are intellectually, physically and morally we owe largely to our city.

Now, is it not absurd under such a situation that a man should be permitted to do something with his property which is destructive to the best interests of the whole community? Is it not absurd that a man should be allowed to take that property which is made enormously valuable by the needs of the life of the city and put it in such a condition that it is debasing the lives of the people? This housing problem about which we have heard so much means much to our city life, and yet, sir, we leave to a man who may be animated by any selfish, greedy interest the right to put and keep upon that property a building in such a condition and use it in such a way that he is poisoning the physical and moral life of the whole community.

This is not right: we should have the power to deal with those problems. The mere moral responsibility of the individual is

something that he answers for to a higher power than the city; but his responsibility to the city, which springs from this close business connection between the two—from the value of what he gets from the city—imposes on him a responsibility for which he should be legally answerable to the city.

Let us look further. The city has power to take a man's dwelling house or his store to make a street. Why? Because the public needs the street, and it is necessary to the public life to have the street. But our court of Common Pleas has decided that we cannot take a bridge, which is as necessary to the development of the life of the city as the street; and the supreme court has decided that we cannot take by condemnation a portion of a street railway which may be hampering and obstructing the growth and developing the life of the city as much as your neighbor's dwelling house, which we are permitted to take from him upon paying the compensation.

This is absurd. Let the city have its rights. Take it out of leading strings. Why, many of our cities are greater in population and in educational development and in all that goes to make the life of a community truly great, than our states were at the beginning of this nation. Why should they not be taken out of leading strings and given the chance that our states were given then—to move forward freely to the highest development which they can obtain.

Let me say in conclusion, that there are some other, perhaps smaller, matters of need. Take our own city. We have got a very cumbersome form in all of our cities of the bicameral system for councils. It is absolutely unnecessary and indefensible. I would also provide a better system for public accounting for our municipalities—a uniform system of public accounting in which, probably under state or other outside control—so that the cities can be compared properly with one another in such a manner that we, the people, can understand. As it is today, we in this city spend so much money and some other city spends an equal or greater amount, but we don't know whether it is for the same things or not. While this continues we cannot compare results. The United States census bureau is making great progress in producing this uniformity which we desire; but necessarily from

its conditions it is too far back to make it fully useful. Life moves too rapidly to make the information which is two years old very valuable. We want it today. I would have our system changed so that we would have a uniform system of municipal accounting. And I would have it made public, and I would probably have it under state control.

And while I do not believe, as a general proposition, in putting leading strings upon the city, there are some restraints which experience has shown to be wise. I believe the people have got to govern themselves and we have got to leave it to them to meet those responsibilities incident to that power. In the end it all depends upon their intelligence, honesty and capacity, but there are some things in which I think it would be well to guard them. I think the temptation of the people of today to care for themselves, to look to their own temporary good, even if it does sacrifice that of a generation to follow them, is very strong. So I think that our constitutional limit on the debt of the city is a very good one because it compels the people to pay as they go and only give them power to make debts for those things which the next generation will share in.

And I would not let them give away perpetual franchises. You may buy something with it today that you and I need, but the temporary good should never take the place of the great interest of the nation and the people. I would not let them do it.

**Limited
Franchises**

Think of what perpetuity means: why, Cæsar's legions entered England only about two thousand years ago, and that is not the beginning of perpetuity. It is only a little over five hundred years since Columbus came to this country. Now what would a perpetual franchise granted in this country at that time have been worth today? We have just been celebrating the one hundred and fiftieth year of the founding of this city. Then it was just a military post on the frontier. One hundred and fifty years have gone by, and that is not an hour—it is not a minute—when you attempt to measure perpetuity. Those things that bind the life of a nation or of a people forever, ought never to be granted for any temporary good. And when it comes to granting franchises even for lim-

ited periods, I would put upon those who have the power to grant them the limitation that the people as a whole must vote on them before they become valid. If a franchise asked for does not commend itself so to the people of a city that a majority of them will favor the grant it ought not to be granted. Better wait, better wait. The people as a whole know what is best for them really. I tell you you can trust to that sense. Give them time and they will arrive at the practical idea and it is pretty safe.

Now, to say it again, I have no pessimism in my nature; I do not see any cloud over the destiny of this country, because I believe that however the days may come and go—however there may come periods of financial disaster
Civic Traitors or distress—the sunshine will come again. The splendid evidence we have seen in this country and in this city of the great power of the people to control themselves, to behave in full obedience to the law and to order under terms of great stress carries an assurance of safety. When thousands were without work and without money and often without bread in their houses, there has not been in this great city, a single disturbance on that account. Why? Because the people believed in themselves, and it was they themselves that stood for right and order; and that same sense will carry us through the future. They won't be carried away with false ideas. The only danger that can come to this country is, as I have said before, from the briber and the bribe taker. The man who prostitutes public office for personal gain or for the profit of his friends or for the advancement of his political organization, and the man who tempts a public officer to thus betray his trust, these are the Benedict Arnolds of today; and the moral sense of this country in a little while, if it does not already, will look upon men who have done those things as we look back at Benedict Arnold. The one betrayed his country in a military station, the other in a civil post; but both alike were traitors to the people. But they will go. The people will rise to meet their responsibilities, and our cities will be safe from preventable diseases, will be safe from violence and disorder, will be safe from all those pernicious influences that tend

to debase the moral standard or the physical growth of the people, and we shall have a people able to rule this nation, no matter how dense the population may grow to be.

The Work of Boards of Health¹

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The purpose of this paper is to sketch some of the outlines and bearings of public health work as now carried on in the United States, so as to afford the members of the National Municipal League a basis for discussion in this important field. To facilitate this purpose principles rather than practices are mentioned as far as practicable.

In order to encourage discussion certain questions are specifically raised and various others are no less purposely implied. The paper is not to be taken as a final expression of the author's opinion with respect to the subjects dealt with, but is rather an invitation to others to express their views, after which the author will conclude with such remarks as the circumstances seem to require.

The spirit of the laws by which matters of public health are administered rests upon the theory which underlies all forms

¹ Dr. Soper's paper was prepared by him as a member of the Committee on Municipal Health and Sanitation, authorized at the Providence meeting, at which the following papers were presented at the joint meeting of the American Civic Association and National Municipal League: "Work for Personal and Public Hygiene in Rochester," Dr. George W. Goler; "Sanitation in Providence," Dr. Charles V. Chopin; "Notes on the Board of Health of Montclair, N. J.," M. N. Baker; "Chicago's Municipal Sanitation," Dr. William A. Evans; "Health and Sanitation in the District of Columbia," William Creighton Woodward, M.D.; "Public Health and Municipal Sanitation in Cleveland," William Travis Howard, M.D.; "The Relation of Municipal Sanitation to the State and the National Government," Dr. Charles O. Probst, Editor, Columbus, Ohio.

of government, that is, that the state has the power to compel the ignorant, the selfish, the careless and the vicious to so regulate their lives and property that they shall not be a source of danger to others. It is an expression of the idea that the interests of no man can exceed the interests of his fellows. The welfare of the many is the supreme law.

**The Health
Power of the
State**

Extraordinary powers have from early times been vested in the authorities charged with administering sanitary laws. The highest courts have declared that the administration of public health laws is fundamentally important and entitled to the support of the police power of the State. Public health authorities are, in effect, police officers charged with a special jurisdiction over the conditions which cause, aggravate, or predispose to disease. In the exercise of their remarkable powers health authorities may restrain persons from contact with others, they may enter upon and even destroy private property, and may exercise supervisory jurisdiction over trades and occupations.

Many years ago the almost autocratic power enjoyed by health authorities was much more necessary than it is at present, for the highly contagious diseases have, through the operation of health laws, better personal and household hygiene and municipal sanitary works been relegated to a comparatively unimportant place as a cause of death. Epidemics of high mortality and vast extent rarely take place in civilized countries today, and the need of a prompt, decisive exercise of great authority in this direction is consequently less often necessary than formerly.

At the same time a new class of duties is growing upon health authorities. Some of these duties are plainly within the proper

**New Sanitary
Duties**

functions of health boards, while others appear to be less so. Among the obviously proper duties referred to are vaccination, the manufacture and distribution of anti-toxin, the control of methods of sewage disposal, and the sanitary management of milk and water supplies. Of less obvious appropriateness is the regulation by boards of health of such matters as the discharge of excessive quantities of smoke into the atmosphere of cities, the

regulation of street noises and the hygienic care of the food, clothing, exercises and amusements of school children. It is probable that these matters should be made the subject of regulation in the public interest, but should the board of health be the instrument chosen to regulate them?

Obviously some limit should be placed upon the exercise of the power possessed by boards of health when questions not strictly germane to the sanitary welfare of the public are concerned. If no such limit is placed it is difficult to understand where the activities of boards of health are to cease. Almost every act and occupation and nearly every feature of city life may be construed as having some bearing upon public health and welfare. Before a board of health sets out upon a campaign of more æsthetic than sanitary value it should be certain that all its simple and essential duties are being efficiently discharged. There is often much inconsistency in public health work.

So extensive and so numerous are the conditions of modern civilization which certainly affect public health that boards of health generally do not pretend to cover them all. For example, the construction and maintenance of public water supplies and sewerage systems, although undertaken by the public at the public expense, are not conducted by health authorities but by private corporations or special municipal departments. Likewise the collection and disposal of garbage, and even the cleaning of privies, is often done by other than public health authorities.

There is something incongruous about a board of health conducting a crusade against smoke and noise and at the same time allowing the streets to be filthy with dirt and dust and offensive with accumulations of fermenting garbage. Again, a great deal of the attention of health boards is occupied with alleged nuisances, which affect comfort but not health. The history of every city is a record of more and more strict regulations to minimize the unpleasant as well as the insanitary conditions of municipal life.

The work of boards of health has been, on the whole, very decidedly for the advancement of the public welfare. The great

reduction in the general death rate and the more wholesome and agreeable conditions of living of today as compared with those of a generation ago, bear ample testimony to this success. If it be objected that other factors have been at work to improve the sanitary conditions of cities, it must be answered that much of the inspiration for this other work has come from health authorities. It should never be forgotten that it is sanitation which has made the growth of cities possible.

Having thus briefly referred to the scope and bearing of public health work we may pass to a consideration of the relation of city, state and nation in regulating the public health.

The authority exercised by public health boards is derivable from the state. In the United States the management of the internal affairs of each separate state is left, for the most part, to the state concerned. **The Relation of Health Boards to the State** Municipal charters are obtained from the state governments and in these charters the power to regulate conditions affecting public health are specifically granted. Cities and towns thus owe responsibility to the state government and are answerable to them to a greater or less extent, depending upon local circumstances. In Massachusetts local boards of health are comparatively independent of the state authority, while in New York the state department of health is a central body to which the local boards of health are closely tributary.

State health authorities are in no case responsible or answerable to the general government. There is no national board of health.

In the management of health matters the smallest division of responsibility is a municipal health officer, the largest a state health officer or board of health. Whether municipal or state the functions of health authorities are very much the same. The main differences arise from the differences in area over which the authorities are required to exercise supervision. Local boards have charge of the conditions which occur in the several localities in a state; they take cognizance of individual houses and of persons. The ultimate units over which state boards exercise jurisdiction are municipalities.

It is the first duty of all boards to collect vital statistics, to collate them in tabular form, and to interpret these data so as to show the state of the public health. Local **Vital Statistics** boards of health collect reports of deaths and of contagious and infectious diseases from physicians, interpret these data for the benefit of the districts to which they apply and then forward them to the state authorities. The state authorities thus obtain a knowledge of the health in various sections of the state and are so enabled to judge the relative healthfulness of the different localities. An excessive prevalence of disease in one place can thus be promptly detected.

The methods of collecting vital statistics are often unsatisfactory and the results frequently deceptive. It may be remarked in passing that vital statistics are today available for only a fraction of the people of the United States, except during the years when the United States government makes a census enumeration. In this respect this country is behind nearly every civilized country in Europe. The fault lies with our municipal and state governments.

In interpreting death rates careful account must be taken of the marriage and birth rates, total population, migrations of population, and other factors; and it would be well for boards of health to charge themselves with collating as well as collecting these vital statistics in a more intelligent manner.

When the evidence of vital statistics indicates the presence of an unsanitary condition through an excessive prevalence of some communicable disease, investigations are commonly made to determine the nature of the difficulty. This is often a troublesome and uncertain task. But when the difficulty is once discovered it is usually a simple matter to prescribe the remedy.

In very recent years sanitary investigations have been made much more definite and effective by the applications of bacteriology, chemistry and pathology, and a new class of professional men has been developed for laboratory and field work of the highest and best order. These persons we may call sanitarians or, better, hygienists.

The second main branch of public health work is the suppression of communicable diseases. Suppressive measures include the establishment of quarantine, the isolation of patients, disinfection, vaccination and the management of epidemics. Contrary to the custom of twenty years ago, all the best work in these directions today is based upon a scientific knowledge of what we may call the natural history of disease. In all these matters of control the dictum of the health authority is supreme. It can be resisted only through intervention by the courts.

The third main branch of public health work is the abatement of nuisances. The practical work of suppressing unsanitary conditions is done by health authorities by recourse to special statutes and local regulations made by the authorities themselves and termed "sanitary ordinances" or "sanitary codes." Offenders against these laws and regulations are brought before proper magistrates and fined. A board of health exercises the unique function of both making and enforcing the law.

It is often extremely difficult to determine what does and what does not constitute a nuisance. For practical purposes it may be considered that anything which is detrimental to health or which threatens danger to persons or property may be considered and dealt with as a nuisance.

Interesting work for the suppression of disease lies in educating the public, the medical profession and the health authorities as to the causes of and means of preventing the transmission of disease. This is one of the newest and most successful branches of public health work which has been undertaken for many years. It is based on the fact that people are not careless in sanitary matters because of a willful or vicious design against the public welfare; they err through ignorance.

By educating the less fortunate concerning the ways in which diseases are transmitted and showing how they can be prevented, substantial benefit results.

This educational work is carried on through the daily papers, the medical papers, special bulletins and magazines, by lectures,

by congresses and, to some extent, by schools. Sanitary societies and public health associations deserve special credit for good work in arousing the public to the need of better public health work.

At the same time it is regrettable that arguments have been made and movements have been initiated in the name of public health which have had no foundation in fact or scientific principle. The cause of public health has always been a favorite theme alike for the charlatan and the statesman.

By the remarkable advance in that composite body of knowledge known as sanitary science much of the quackery of fraud and the deceptions of ignorance are being dispelled from public health work, and we may confidently look forward to the time when persons who have had adequate training and experience in this direction will be looked upon as the proper sanitary teachers.

In this campaign of sanitary education which is going on it is a deplorable fact that the universities and colleges of the United States are singularly backward. With a few notable exceptions, there is scarcely a school for higher education in the United States where competent knowledge of hygiene can be obtained. In spite of the fact that many of the largest and most prominent universities have had severe experiences with typhoid they have been exceedingly slow in providing proper facilities for the teaching of hygiene. One of the greatest needs of public health work today is the want of competent teaching for health officers, physicians, engineers and others, who may wish to obtain a complete and practical knowledge of their profession. In the absence of suitable facilities for the education of health officers the United States is decidedly behind European countries.

In the management of communicable diseases the principles of isolation, disinfection, vaccination, have been referred to. It remains to mention the help that may be afforded by the establishment of laboratories for the diagnosis of suspected cases of communicable diseases. Laboratories where examinations may be made of sputum, blood, urine, stools and other pathological specimens, are one of the newest developments in public health work, but they have been in operation sufficiently

long to make them seem indispensable. By their means early and obscure cases of tuberculosis, typhoid fever, diphtheria and other too common preventable diseases may be discovered, and with a precision and promptness generally impossible in private medical practice. Along with pathological work of municipal public health laboratories facilities are often **Laboratories** provided for the analysis of water, milk, food and drugs. Any citizen may send specimens to these laboratories for examination, and is entitled to a report without charge.

Every board of health should have the benefit of laboratory assistance of this kind. Municipal boards in large cities can afford to maintain them, but for the small city and village other provision must be made. Here the state can render valuable assistance and maintain laboratories for the benefit of municipalities which cannot have them.

In addition to the measures of prevention and suppression which have been mentioned reference should be made to the preparation and distribution of anti-toxin by boards of health. Here we have an application of the laboratory principle applied to the production of a remedy rather than to the discovery of the cause of disease. Anti-toxin is a curative measure which may be and is applied more often than not to isolated cases of diphtheria. The beneficent results which have followed the use of this agent in combating one of the most common and fatal of household diseases are unquestioned, but it must not be forgotten that in supplying anti-toxin without charge, boards of health lay themselves open to the charge of **Anti-toxin** competing with private manufactories which prepare the same product and are presumably in a legitimate business to make money.

Results seem to show that it is desirable for boards of health to supply anti-toxin, but the principle involved is an interesting one. If anti-toxin is to be supplied gratis by boards of health, should not those boards also supply disinfectants, concerning which there are no greater frauds in the American markets today? And if anti-toxin and disinfectants, why not other things such as indispensable articles of clothing?

To enumerate all the functions of boards of health, local and state, would far surpass the necessary limits of this paper, but enough has been said to show warrant for endorsing most of the work being done, to approve the extension of some and the limitation of some of the ever growing activities of health bureaus. A long paper could be written on any of a dozen phases of this subject.

Taking a rapid review of the subjects covered here, we may remark first that boards of health have ample power. The standards of public health and municipal hygiene are continually growing higher.

The dangers from disease in gross epidemic form are becoming less and less, and in their place a new set of hygienic standards is being erected. Some of these new standards verge upon the realm of aesthetics. To what extent boards of health are right in extending their efforts to improve municipal conditions which bear remotely, if at all, on disease and death, but undoubtedly affect public comfort, is a question for debate.

To be effective health work must be coöperative. Statistics must be promptly and accurately collected by the ultimate units of sanitary authority, municipal health boards, and transmitted to boards having jurisdiction over larger territory. Whether or not the largest unit of health control should be the state or the nation is a question which this paper need not discuss. It is to be remembered in this connection, however, that state boundaries are only imaginary lines and that some kind of understanding is indispensable between neighboring states for some forms of sanitary control, such, for example, as the purity of water supplies, the management of epidemics and the regulation of milk and other food products. Likewise the management of quarantine, a subject of importance to large portions of the population of the nation, should not be left to the regulation of any particular locality, but should be managed in accordance with laws which are general for the common welfare.

First and foremost among the defects and needs of public health administration must be placed the want of adequate knowledge of the principles and practices of public health work

on the part of officials having jurisdiction. It is a deplorable fact that special professional qualifications are not as a rule required of health officers in the United States.

If there is any department of municipal government which should be taken out of politics and put upon a high plane of professional efficiency, it is public health work. Generally, in the United States, appointment upon a health board means a thankless and gratuitous service performed for the sake of the small honor which is supposed to go with it. Where a salary is connected with the position the office is too often a reward of political rather than professional merit.

Until the need of high class health work is demanded, appreciated and properly rewarded by compensation in money and honor, men will not be prepared by the schools for a lifework in the public health service, and the most needed improvement in the work of boards of health will not be made.

Pittsburgh's Civic Problem

By ROBERT A. WOODS

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In the progress of a community, as in the prosecution of personal interests, success depends not merely upon knowing that things are going right or going wrong, but upon painstaking and detailed search into the origin and nature of their good or evil influence. The serious difficulty about the American city is not merely that its administration has broken down. The very conception of the city has broken down, and we go through its streets every day with intentions that are earnest enough but ineffectual because confused and out of date.

The Pittsburgh Survey was undertaken in the conviction that the time had arrived for the study of one of the most typical American cities in its present-day living ensemble, as an example of what must be done in all our cities. The results of the Survey will naturally include, with the ascertained and properly arranged facts, a program which the facts demonstrate to be essential quite as much to the industrial as to the political and moral future of the city.

The source of the marvelous growth and power of Pittsburgh may be outlined in a few words: unparalleled material resources; an unique convergence of transportation facilities connecting all sections of the country; a serious, pertinacious, ardent people for the kernel of a population which has expanded quickly and amply to each new extension of industry by a process of natural selection of vigorous types from every European nation; the insistent and unceasing spur of a world demand for two or three of the fundamental utilities of civilization.

These characteristics had all been brought to their highest significance and intensity by a decade of unsurpassed prosperity as the Survey began. The specific attention of the Survey has, in the nature of the case, been fixed upon those phases of the life of Pittsburgh, which, increasing with its growth, have, under the very stress of that growth, not been soundly grappled with or have even been almost entirely overlooked.

The public physical well-being is coming to the very front as an issue for patriotic foresight. The Pittsburgh Survey has thrown new and clear light upon the subject of typhoid fever which has been epidemic in Pittsburgh for a generation. One of the direct results has been the creation of a special commission of experts to study the incidental causes of that disease, now that the main cause is being lessened by the great filtration plant which Pittsburgh has installed. The Survey has gone to the bottom of the situation as to one thousand typical cases of industrial accidents, and, aside from human considerations, will show in business terms the reckless and needless waste of seasoned and disciplined labor force that is involved. Already as a result, practical stimulus has been given to a movement for a workmen's compensation act; and, better still, to efforts both public and private toward the further elimination of the sources of danger. In the same connection, as the result of a vast amount of detailed inquiry, the Survey will exhibit the wholesale squandering of productive power,—as against the total experience of the civilized world,—involved in the overstrain of the twelve-hour day and of seven days work in a week.

To provision, clothe and shelter an army, the United States learned in 1898 may sometimes be three-quarters of the war. The Pittsburgh Survey has placed experts of the engineering grade upon these aspects of Pittsburgh's great industrial campaign. The Survey will show that large numbers of the working class families of the city are living in places unfit for human habitation and therefore seriously undermining to health, productive power and character. Moreover, even including all such places, the total housing capacity of the city is insufficient now and will soon be inadequate to the extent of seriously hampering the growth of the city's industries in the renewal of prosperity.

The abundant supply of labor has established in many cases a low standard of wages and a low standard of life for the home and the local community, which the Survey distinctly shows to be unworthy and unprofitable from the point of view of genuinely farsighted economic leadership. The Survey finds a large amount of smouldering discontent among the rank and file of the industrial employees, centering upon wages, but including other vital conditions under which labor in the great plants is carried on; and it definitely propounds the question whether it would not be wiser to allow a safety valve for this unrest in the establishment of permitted and to that extent responsible trade unionism.

Fresh light will be thrown upon the fine human traits and possibilities of the people among immigrant nationalities who make up so large a proportion of the population of the greater city; and the value to the community, industrially and politically, of developing their varied latent powers will be clearly outlined. On the other hand, it will be shown from the sheer point of view of public order and safety that this population must be leavened effectually with wholesome and stimulating influences before the time comes—and it will soon come—when into their hands the political and moral destiny of the community will to a large extent be placed.

Pittsburgh has been afflicted with the same political evils as other American cities. The recent extension of the city into the greater Pittsburgh may for a time embarrass the reform movement which is so substantially embodied in the administration of Mayor Guthrie. The hope of the future politically is in the application to the great new collective needs of an essentially new metropolitan community, of some of that practical individual and corporate sagacity which among all classes of Pittsburgh people has been thrown so strongly into industrial affairs. One of the best assurances of progress in this direction lies in the steady and dominating purpose of the Pittsburgh Chamber of Commerce, reinforced throughout the city by alert and active local boards of trade.

The ten years which have brought in the city's phenome-

nal industrial expansion have established as permeating and permanent influences in the city the services of the Carnegie institutions—the library, the music hall, the art gallery, the natural history museum and the technical institute. Better still, this period has started into action, through the normal, democratic initiative of public spirited citizens, many excellent agencies for social service devoted to that ultimate and fundamental municipal reform—the training of the sovereign electorate. In the last analysis the growth of strong human and humanizing influence in Pittsburgh lies in the fact that the deep moral energy of the established element of Pittsburgh people—often slow moving and belated, but, when once aroused inflexible and indomitable—is beginning to be positively engaged and involved in the present issue.

We all remember how Chicago, on account of some of the crude moral by-products of its growth, came to be an object of scorn from many sources at home and abroad. By creating the World's Fair and by the exceptionally intelligent organization of civic and social betterment, Chicago has compelled the respect of the country and the world. Pittsburgh succeeded Chicago as the chosen example of the cynics; Pittsburgh is earnestly, and with that unparalleled Pittsburgh productive instinct, taking to heart these large plans for associated and public enterprise through which alone, as all the world is finding, a twentieth century city's prosperity goes hand in hand with its honor.

The Civic Responsibilities of Democracy in an Industrial District

PAUL U. KELLOGG

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Charities and the Commons

American spread-eagleism has matured notably in the past ten years, but there is still youth and ginger enough in it to make my first postulate simply this—that the civic responsibilities of democracy in an industrial district are to come abreast of and improve upon any community standards reached under any other system of government; and, second, to do this in a democratic way as distinct from a despotic or paternalistic way.

It was my good fortune to spend a week the past summer in Essen and other industrial towns of the Rhenish-Westphalia district of Germany, following something over a year spent in the Pittsburgh District. I fancy that in our attitude toward the old countries, we are inclined to regard their cities as long established and to find justification for any lapses of our own in the newness of America. But Essen, for instance, as an industrial center is new. The chronology of the development of the steel industry there is not altogether different from that of the same industry in Pittsburgh; and one of the great problems of Fried. Krupp was to mobilize and hold within reach of his furnaces and rolls a large and efficient working population. Entering the industrial field generations later than England, German manufacturers have not had a trained working force ready to hand. Krupp had to draw his men from the country districts—healthy, unskilled peasants, unused to quick handling of their muscles,

unused to working indoors, unused to machinery, unused to living in large communities. The wages offered, as against the wages of agricultural districts, drew them there; he must keep them there out of reach of his competitors, and he must see that they worked at the top notch of their efficiency. It was a loss to Herr Krupp when a man with five years' training in his works left Essen, or was sick, or was maimed.

As a town, Essen was unprepared to absorb this great new industrial population. There were not houses enough; the newcomers were sheltered abominably and charged **And its Great** exorbitant rents by the local landlords. There **Working Force** weren't food supplies enough within reach of the growing city, and the workers had to buy poor bread and bad meat and pay heavily for them. The town hadn't enough sanitary appliances to dispose of the waste which a congregation of individuals sloughs off and which, if not properly disposed of, breeds disease. The high rents and high provisions pared away must of the incentive in the wages which must attract this working force to Essen; poor houses and poor food made directly for stupid, half-roused workers and for poor work. Primarily as a business proposition, then, Herr Krupp started that group of social institutions which have since been expanded from one motive or another, until they supply an infinite variety of wants to the Essen workers. The firm bought up successive plots of land, laid them out, sewered them, parked them, and today, at the end of fifty years, over thirty thousand persons are living in houses belonging to the Essen works (ten thousand of the sixty thousand Krupp employees are thus supplied). There has been a growth in quality as well as in numbers of houses. The buildings of the first workmen's colony, West End, are rough, crude boxes; the new colonies of Alfredshof and Friedrichshof are beautiful, with their red roofs, graceful lines, lawns, housekeeping conveniences and modest rents. Not less than seventy-seven Krupp supply stores, operated on a profit sharing basis, sell meat, bread, manufactured goods and household furniture. One of the greatest bakeries in Germany is operated on a cost basis, and there are slaughter houses, flour mills, ice making establishments, tailor shops, etc.

This welfare work of the Krupps has not succeeded in keeping either trade unionism or socialism out of the ranks of the working force; it has tended to put the workers in a position of semi-feudal dependence for comforts and to sap their initiative, and in those bearings it is not in accord with American ideas; but it has served to gather at Essen, to keep there, and to keep there at a high standard of working efficiency, one of the most remarkable labor forces in Germany.

It is solely the latter aspect of the case that concerns us here. I think it is agreed that when it comes to armor plate, I-beams, tubes, or rails, the Pittsburgh steel plants can beat the world. But a week's stay among the Krupp colonies at Essen brings with it the conviction that we in America have considerable distance to go if we are to match the Germans in the science of improved community conditions. The question is how some of these higher standards can be worked out in an American industrial district where one corporation does not dominate; where you are dealing with a much greater aggregation of people spread over a much greater territory, and where you must work out your solution in democratic ways through democratic agencies.

It must be borne in mind that much that I say of Pittsburgh is true of practically all our industrial centers; our severest criticism of any one comes not from a comparison with its fellows, but from a comparison of the haphazard development of its social institutions with the splendid organic development of its industrial enterprises. And more, in the methods and scope of progressive business organizations we have some of the most suggestive clues as to ways of municipal progress. I can cover only a few points in the time allotted and these will be more effective if I use as my text the concrete conditions in Pittsburgh with which I am most familiar.¹

¹ The findings of the Pittsburgh Survey are to be published in three special numbers of *Charities and the Commons*, January, February and March, 1909, and later in volumes issued by The Russell Sage Foundation.—EDITOR.

My first point has to do with administrative areas. The most effective city administration cannot act to advantage unless the units through which it operates are workable and bear some relation to the function they are designed to perform. The radius of the old time city, as one English writer has pointed out, was the distance you could walk from your work in the center to a home convenient in the outskirts. Today, for most purposes, a city is a rapid transit proposition. For most purposes, a municipal area can be governed most effectively if it includes all such districts as can be reached by city workers, by subway, steam, or surface lines. The movement for a greater Pittsburgh which, within the last year, has been advanced by the merging of Allegheny and the movement for a greater Birmingham, which is now in progress in the corresponding English industrial center, are recognitions of this fact. The police, fire—in fact, every department of municipal activity is cramped and rendered less effective by restricted bounds.

But for certain functional activities much wider areas must be covered. The sanitary inspection force of Cleveland, for instance, inspects dairies and slaughter-houses throughout all that part of Ohio that supplies the Cleveland market, in contrast to the Pittsburgh inspection service which is at present only able to inspect supplies as they come into the city and sources in the immediate neighborhood. Again, the sewer and water problem of Pittsburgh is a water-shed problem. One hundred and twenty-nine towns and boroughs are dumping their sewage into the rivers which run past Pittsburgh and from which Pittsburgh must draw its water. No one of these governmental units can work out its sanitary problem alone. Close coördination of sanitary work is needed throughout the whole river district.

There is necessity, then, for increasing our municipal administrative areas and for relating them to the functions which must be performed through them; and this very fact raises the distinctive civic problem of creating this enlarged municipal machinery, without sacrificing that local loyalty and interest which in neighborhoods and smaller districts make for good government. In Pittsburgh we have a central city—a market

and office center with groups of outlying mill towns and half-agricultural districts between. The opponents of city congestion would break up all our big urban centers into such an open-work structure; and if the citizenship of the Pittsburgh steel district can work out effective methods of government and high standards of community well-being for this ganglion of working communities, it will have made an original contribution to municipal science.

But let us look more carefully at this question of area as applied to the functioning of particular social institutions. We have the theory in America, for instance, that **The Common School System** common school education should be supplied by the public, and to this end, besides state subsidies and other revenues, a general millage is laid on all taxable property in Pittsburgh for the salaries of teachers and for other general expenses. But the actual operation of the schools continues on an old vestry system of ward control—a system given up by Boston, Cleveland, Chicago, Baltimore and other cities of Pittsburgh's class, because the ward has proved an ineffective administrative unit. Let us see how it works in Pittsburgh. Each ward lays and collects a tax on property within its limits for the erection and maintenance of school buildings. Thus, ward two in the business district, with a total of only 363 pupils, can draw on property with an assessed valuation of \$37,491,708; while ward fourteen, with 2423 children, can draw on property worth \$34,264,077 (less taxable property and seven times as many children); while ward thirty-one has 1173 children and only \$3,074,085 in assessed property (or three times as many children as ward two and not one-tenth the taxable property). No wonder, then, that the valuation of school buildings and equipment ranges from approximately \$41 per school child in the thirty-first ward to \$1033 per school child in the second; and the income for maintenance of buildings, etc., from \$6 per school child in the thirty-fifth ward to \$84 per school child in the first. No wonder, then, that in these ward-school buildings and their equipment there is the utmost divergence. Our investigators found buildings every room of which was overcrowded, with children sitting

on benches, with chairs in the aisles; wards in which basement rooms were thrown into commission without adequate heat, light, desks or ventilation; schools unconnected with the sewer; schools without fire-proofing, without fire escapes, without fire drills—all these in contrast to progressive schools in other wards with first rate equipment, small classes, good plumbing and adequate light. Wards which have the most children, whose children have the least cultural environment and stimulus at home, have, many of them, the least resources to tax for school purposes. By an out-worn system of ward control and taxation, then, the teaching force of Pittsburgh is supplied in districts where the work is hardest with schoolhouses and other tools which are least effective. Some districts have schools which in equipment and spirit rank with any in the country; while in some the school plants ought to be scrapped offhand.

Turn to another social institution—the hospitals. We can conceive that the first service of hospitals is to be accessible to the sick and injured, and that an adequate hospital system should at all times be quickly available to the people who may have use for it. We can compare it with the efficiency of the telephone company which, through sub-exchanges, centrals and private connections, reaches effectively every district. How stands the case with the hospitals of Pittsburgh? The city is served by a group of private institutions, many of them adequately equipped and progressively managed; but there is no system of coördination between them, either in the operation of their free wards or in the maintenance of an effective ambulance service. New hospitals are erected under the eaves of old hospitals. Sick and injured people are carried long, unnecessary distances at great risk. Seven new hospitals are going up in Pittsburgh and yet, when they are all completed and other changes which have been decided upon are carried out, there will be a great belt of river wards, thickly populated, without a convenient hospital plant—wards in which we shall see disease is most rife. This failure of a coördination of hospital work in Pittsburgh is appreciated by a number of the most progressive superintendents, and no one would welcome more

than they a movement to interlock the hospital service of the city in some effective way.

Another point of contrast between Pittsburgh, the industrial center, and Pittsburgh, the community, lies in the progressiveness and invention which have gone into the details of one and the other; for instance, aldermen's courts which dispense justice

to the working population in Pittsburgh and deal with the minor civil business of a city of half a million. They serve very well in an agricultural district. They are of the vintage of the village blacksmith. But with the exception of a few well conducted courts, the forty or more ward courts may be said to clutter up and befog the course of minor justice, and to be an exasperation in the conduct of civil business. They add to rather than subtract from the business of the higher courts, and there is no effective supervision of their operation. They compare with the new municipal courts of Chicago about as the open forges of King John's time compare with a Bessemer converter.

Again—Pittsburgh is the second city in Pennsylvania in point of population; in some respects it is the center of the most marvelous industrial district in the world.

Factory Thousands of men and women are engaged in
Inspection hundreds of processes. But the state factory
Headquarters inspection department has not so much as an office in this city. There are inspectors, but they are not easily get-at-able for the workingman who may be laboring under unsanitary conditions or with unprotected machinery, or the citizen who may know of violations of the factory acts which he conceives it his duty to report. My conception of an adequate labor department office in Pittsburgh is more than that of an industrial detective bureau. My conception is rather that of a headquarters, with an adequate force of technicians and physicians who would be constantly studying the work processes of the district with the idea of eliminating, wherever possible, those conditions which make for disease; with laboratory facilities for experiment and demonstration of protective devices calculated to reduce accidents; drawing, to this end

upon the industrial experiences of the whole world. The factory inspector's office in Birmingham, for instance, is in close coöperation with courts, with employers and with workmen. Within three years, its suggestions have reduced the number of deaths due to one variety of crane from 21 to 3.

The old time city built a wall about it. That kept out invaders. The invaders of a modern city are infectious diseases. In the development of sanitary service and bureaus of health of wide powers and unquestioned integrity, the modern city is erecting its most effective wall. In Pittsburgh, the health authority is still a subordinate bureau without control over appointments

and without that final authority which should go with its supreme responsibility toward the health of 500,000 people. Until the present incumbent was appointed, there had seldom or never been a physician at the head of this bureau. For five years there had not been so much as an annual report. Two-thirds of the appropriations to the Pittsburgh Health Bureau are today engrossed in a garbage removal contract over which the superintendent has no control. With such an inadequate barricade, we can imagine that disease has sacked Pittsburgh throughout the years; and comparison of death rate with four cities of corresponding size—Boston, Baltimore, Cleveland, St. Louis—for the past five years, shows this to have been the case. In her average death rate per 100,000 for typhoid fever, diarrhoea and enteritis, Pittsburgh was first and highest. Pittsburgh was only fourth or next to the lowest in the list in pulmonary tuberculosis; but in pneumonia, in bronchitis and other diseases of the respiratory system; and in violence other than suicide, Pittsburgh was highest. To retrieve the lost ground of years of neglect of health conditions has been a task upon which the present superintendent of the Pittsburgh Bureau of Health has entered, but it is a task in which the city must invest increasing resources. For such work needs more than a health bureau. It needs a Health Department.

My point, then, is that democracy must overhaul the social machinery through which it operates if it would bring its community conditions up to standards comparable to those main-

tained by its banks, its insurance companies and its industrial corporations.

There are at least two tests to which the community can put such social machinery. The first is that of operating efficiency.

Tests of Good Government In hospitals, in schools, in municipal departments, units of work and out-put can be worked out as definitely as are the tons of steel workers, the voltage of the electricians, the dollars and cents of the banks. By vigorous systems of audit and intelligent systems of budget-making, understandable to the ordinary citizen, the community can see to it that the out-put of these social institutions is comparable with the investment it makes in them; that the tax payer gets his money's worth. The Bureau of Municipal Research in New York embodies this idea in its program which, as I understand it, will be put before the convention at a later session.

There is another, equally intensive test to which social institutions and sanitary conditions can be put. It is conceivable that the taxpayer may get his money's worth from the municipal government, while the families of the wage earning population and householders may be suffering from another and irreparable form of taxation, which only increased municipal expenditure along certain lines could relieve. So it is that while I subscribe to the movement for stiffer standards of municipal accounting as a basis for effective government, for knowing the waste of a city's money, I subscribe further to the movement for such methods of social bookkeeping as will show us the larger waste of human life, and private means; and will stand out not only for honesty and efficiency, but for the common well-being.

Let me illustrate in the case of typhoid fever which has been epidemic in Pittsburgh for twenty-five years. To eliminate typhoid Pittsburgh has erected a five and one-half million dollar filtration plant, for the years of delay in the erection of which the city has suffered a terrible toll of deaths and misery. Last month there were but 96 cases of typhoid in Pittsburgh as against 593 for October, 1907. One of my associates has figured out that if the men, women and children who have died from typhoid fever in the

last twenty-five years in Pittsburgh—and it must be remembered that the majority of these deaths have been needless—that if these people were to stand four feet apart, they would form a line running from the court house to the new filtration plant, a distance of over six miles. There were 5421 cases of typhoid fever in Pittsburgh last year and 622 deaths. Computing death rate per 100,000 population for the larger cities having the highest rates in 1901, Pittsburgh was first with 124, New Haven second, Allegheny third; in 1902, Pittsburgh was first, Allegheny second, Washington third; in 1903, Pittsburgh first, Cleveland was second, Allegheny third; in 1904 Columbus was first, Pittsburgh second, Allegheny third; in 1905, Allegheny was first, Pittsburgh second and Columbus third; in 1906, Pittsburgh was first, and Allegheny second. But even these comparisons, startling as they are, fail to afford a grasp of the meaning of this typhoid scourge in the lives of the wage earners of Pittsburgh. The Pittsburgh Survey undertook to gauge this. In cooperation with Columbian Settlement, we collected data for six wards for a year, showing the proportion of wage earners among typhoid patients, the income before and since, the number of weeks sick, the loss in wages by patients and by those who are obliged to give up work to care for them, sickness expenditure for doctors, nurses, medicines, foods, funerals; and the less tangible, but even more severe tax involved in lessened vitality, lessened earning power, and broken up homes, which follow in the wake of typhoid. Of 1029 cases in six wards reported in one year, 448 cases were found and studied, Of these 26 died. One hundred and eighty-seven wage earners lost 1901 weeks' work. Other wage earners, not patients, lost 322 weeks—a total loss in wages of \$28,899. The cost of 90 patients treated in hospitals at public or private expense was \$4165; of 338 patients cared for at home, \$21,000 in doctor's bills, nurses, ice, foods, medicines; of 26 funerals, \$3186, a total cost of \$57,250 in less than half the cases of six wards in one year—wards in which both income and sickness expense were at a minimum. But there were other even more serious drains which do not admit of tabulation. A girl of 22, who worked on stogies, was left in a very nervous condition, not as strong as before, and consequently she could

not attain her former speed. A blacksmith will probably never work at his trade with his former strength. A 16 year old girl who developed tuberculosis was left in a weakened physical condition. A tailor who cannot work as long hours as before was reduced \$1.00 a week in wages. A boy of eight was very nervous, would not sit still in school and was rapidly becoming a truant. A mother developed a case of pneumonia from over-exposure in caring for children who had the fever, and has not been well since. So the story goes—very real to the lives of the many who are so intimately concerned. The money losses can be replaced. My figures include no estimate of the value of human lives lost. But it is impossible to compute in terms of dollars and cents, what it means to a family to have the father's health so broken that he cannot work at his old job, but has to accept easier work at less pay. It is impossible to put in tabulated form the total values to a family of a mother's health, and strike a proper balance when typhoid has left her a physical or nervous wreck. It is impossible to estimate what is the cost to a boy or girl who is obliged to leave school in order to help support the family, because typhoid has incapacitated the natural breadwinners. Such facts as these show the drain that typhoid has been on the vital force of the community. It is only one of such drains.

Such facts as these bring home concretely to the average workingman his stake in good government.

It is not possible here to enter into a discussion, even briefly, of the democratic methods by which a community can improve the quality and lessen the cost of its food

The Demand for Shelter supplies as an integral part of the program for building up a vigorous working population.

Pittsburgh has erected a filtration plant to provide clear water, and the dairy contest and milk exhibit held last month in this city are indicative of ways of advance in clearing up the equally contaminated channels of milk supply. We can go further: in Baltimore for instance, a milk show was held and "dairy specials" were run throughout the surrounding territory in an effort to multiply dairy farms within a certain radius of Baltimore, to educate the ordinary farmer and point out where

he could make his stables profitable, and to encourage the production of clean milk as a commodity throughout the territory tributary to the city. Similarly I believe an active commission, by investigating the soils and location of unused, unbuilt-up areas in the neighborhood of Pittsburgh and the methods for facilitating the handling of garden produce, could appreciably increase the marketable supply of vegetables and make the cost of living of the Pittsburgh District a reasonable one, instead of what the government reports show it to be—well-nigh the highest in the country. There is a direct bearing between these costs of living and the holding power of the wages paid in the Pittsburgh District.

But there is one necessity of which there is a paramount shortage; that is shelter. I should like you to compare the efficiency to perform the function for which it is devised of a modern blast furnace and the shacks which house some of the families in the Pittsburgh District. The output of the one is pig iron; the output of the other, home life and children. According to the tenement house census carried on by the Pittsburgh Bureau of Health the past summer, there are 3364 tenement houses in the greater city. Nearly 50 per cent of these are old dwellings built and constructed to accommodate one family and as a rule without conveniences for the multiple households now crowded into them. Let me give you an example—a house on Bedford avenue, with three families in the front and three in the rear, negroes and whites. The owner was notified over a year ago that the building must be repaired and certain alterations be made, but nothing has been done, and by the veto of

Unsanitary	the Governor of Pennsylvania of a bill which
Dwellings	passed the last legislature, the Bureau of Health
	has no power to condemn such unsanitary
	dwellings. In this building, two-room apart-
	ments rent for \$12 per month. Water has to be obtained from
	a hydrant in the yard, shared by eleven families; the foul privy
	vaults are also shared by neighboring families.

Under Dr. Edwards' administration 5063 such privy vaults have been filled and abandoned in Pittsburgh and 8281 sanitary water closets installed in their place. The work is less than

half done. The census of only the first twenty wards of the older city shows a total of nearly 6000 vaults still existing in these wards alone. Consider the contrast—these old ramshackle, unwholesome, disease breeding appliances of the back country here in Pittsburgh, the city of the great engineers and mechanical invention and of progress. In a typhoid-ridden neighborhood, a vault is an open menace to health. Investigations in army camps and in given neighborhoods in Chicago have proved that insects carry disease from such places to the tables and living rooms of the people. If these existing vaults in Greater Pittsburgh were combined into one cubic receptacle, they would make a vault as big as the Frick Building. The estimate is an unpleaant one; but it gives more graphically than figures an idea of how the air and the lives of the people of Pittsburgh are contaminated by the survival of these old appliances.

There are three points which I should like you to consider in connection with this problem of shelter. The first is that the Bureau of Health, however efficient in its supervisory work, cannot meet it single handed. Even if through the activities of the Health Bureau, Tammany Hall, Yellow Row and other old shacks have been torn down, even if the owners of other old buildings are made to install sanitary appliances, the situation is still unmet, unless new houses—vast quantities of new houses—are erected to care for the increased population which has flooded into Pittsburgh in the last ten years and which there is every indication, will multiply as greatly in the next ten. Ways and methods scientifically to meet this situation are to be discussed in Mr. Atterbury's address.

My second point is that this haphazard method of letting the housing supply take care of itself is a monetary drawback to the merchants of the city. In the first place, it radically reduces the margin which the workingman's family has to spend for commodities. Especially is this true of immigrant tenants, who are obliged to pay more than English-speaking. For instance, on Bass street, Allegheny, we found Slavs paying \$20 per month for four rooms as against \$15 paid by Americans. In the second place, it puts a premium on the single men, drifters, lodgers,

as against the man with a family. The immigrant boarders who rent from a boarding boss, and sleep eight to ten in a room, or sleep at night in the beds left vacant by the night workers who occupied them throughout the day—such fellows can make money in the Pittsburgh District. But the immigrant who wants to make his stake here, bring his family over, create a household, must pay \$10 or \$15 a month for rooms; and must pay high prices for all the other necessities of life. If I were asked by what means the merchants of Pittsburgh could increase the volume of purchases of the buying public, I should say that no one thing would affect that so impressively as the multiplication of households, through the multiplication of low cost, low rental, sanitary houses to meet the needs of stable family groups as against the transient lodger.

My third point is that the housing problem is not a city problem alone. It is repeated in each of the mill towns. I could

**In the Mill
Towns**

cite instances in Braddock, Duquesne, McKeesport, Sharpsburg, where old buildings are filthy and overcrowded and where new buildings are put up in violation of every canon of scientific housing—back-to-back houses such as were condemned in England 75 years ago as breeding places of disease. Homestead, for instance, has no ordinance against overcrowding, no ordinance requiring adequate water supply, or forbidding privy vaults in congested neighborhoods. The foreigners live in the second ward between the river and the railroads. In twenty-two courts studied in this district, only three houses had running water inside the house. One hundred and ten people were found using one yard pump. Fifty-one out of 239 families lived in one room each. Twenty-six of the two-room apartments were used by eight or more people; one two-room apartment sheltered 13; two, 12; two, 11. A crude reflection of the effect of these conditions is indicated by the death rate in this second ward. Of every three children born there one dies before it reaches the age of two years, as against one in every six in the rest of Homestead, where detached, and livable dwellings prevail.

This comparison of health conditions in a small town is true in a large, cruel way of Pittsburgh itself. In coöperation with

the Typhoid Fever Commission we have analyzed by wards the death certificates of people dying in Pittsburgh for the past five years. We have grouped these wards into districts, the living conditions of which are more or less of a kind. Let me compare the mortality figures of wards nine and ten and twelve—a group of river wards in the old city, near the mills, peopled for the most part with a wage earning population of small income—compare these wards with ward twenty-two, a new residential district in the East End. What are the chances of life of the men, women, and children living in the one and in the other? The chance of a man's dying of bronchitis in the river wards is two and a half as against one in the East End, it is four of his dying from pneumonia as against one in the East End, five of his dying of typhoid as against one in the East End, six of his dying a violent death as against one in the East End. These are rough proportions merely, but they are of terrific significance. Our American boast that everybody has an equal chance falls flat before them. The dice are loaded in Pittsburgh when it comes to a man's health; his health is the workingman's best asset; and the health and vigor of its working population are in the long run the vital and irrecoverable resources of an industrial center.

This brings us to a point where we can define more concretely the plain civic responsibility of democracy in an industrial district. That responsibility is to contrive and to operate the social machinery of the community, and to make living conditions in the district, such as will attract and hold a strong and vigorous labor force for the industries on which the prosperity of the district must depend. Here lies the responsibility of the community to the individual manufacturer—and the responsibility of the community to its own future—that the efficiency of its workers shall not be mortgaged before they go to work in the morning.

This carries a counter responsibility. In the interests of the community as a whole, in the interests of all the industries as against the interests of any single one, the public cannot afford to have such a working force impaired or wasted by unsanitary

or health taxing conditions during the working hours. What I mean will perhaps be clearest by illustrating

The Human in the case of industrial accidents. Pittsburgh
Waste of cannot afford to have over 500 workingmen
Industrial killed every year in the course of employment,
Accidents or an unknown number of men seriously injured. During the past year, the Pittsburgh Survey has made an intensive inquiry into the facts surrounding the deaths of the entire roster of men killed in industry during twelve months, and of the accident cases treated in the hospitals of the district during three months—not with the idea of raising anew the question of responsibility for particular accidents, but to see if there are any indications as to whether these accidents could be prevented and whether the burden of them falls where in justice it should. The work has been done by a staff of five people, including a lawyer, an engineer and interpreters, and we have had the coöperation of claim agents, superintendents, foremen, trade union officials and others. We found that of the 526 men killed in the year studied in Allegheny county, the accidents fell on Americans as well as foreigners; 224 were native born. The ranks of steel workers and train-men suffer most—the pick of the workmen in the district. There were 195 steel workers killed, 125 railroad men, 71 mine workers, and 135 in other occupations. It was found that it was the young men of the district who went down in the course of industry. Eighty-two were under 20 years of age, 221 between 20 and 30. Over half the men killed were earning less than \$15 a week, a fact which raises the question if the law is fair in assuming, as it does in Pennsylvania, that wages cover risk. Fifty-one per cent of the men killed were married with families to support; an additional thirty per cent were single men, partly or wholly supporting a family. It was shown that the greatest losses were not due to the spectacular accidents, but to everyday causes. In the steel industry, for instance, 42 deaths were due to the operation of electric cranes, 31 to the operation of broad and narrow gauge railroads in the mills and yards, and 24 to falls from a height or into pits, vats, etc. Pittsburgh has stamped out smallpox; its physicians are fighting tuberculosis; the municipality is checking typhoid. Cannot

engineers, foremen, employers and workmen come together in a campaign to reduce accidents? Considerable has already been done in this direction by progressive employers. The problem is that of bringing up the whole district to progressive standards.

On the other hand we have put these industrial accident cases to that same test of human measurement which we found of such significance in gauging the losses due to typhoid fever. This steady march of injury and death means an enormous economic loss. Is the burden of this loss justly distributed? What takes the place of the wages of these bread-winners? What resources of their own have these families to fall back on? What share of the loss is shouldered by the employer? What share falls in the long run upon the community itself, in the care of the sick and dependent? Is the Pennsylvania law fair that exempts the employer from paying anything to the family of a killed alien if that family lives in a foreign country? Are the risks which the law supposes that the workman assumes when he hires out for wages, fair risks under modern conditions of production? Is it in the long run, to the interest of the employer to leave to the haphazard, embittered gamble of damage suits, this question of meeting in a fair way the human loss, which with even the best processes and the greatest care, is involved in the production of utilities. I am not in a position here to put forward the economic facts brought out by our inquiries; but I can say that on every hand, among employers and claim agents and workmen, there is profound dissatisfaction and an increasing open-mindedness toward some such sane and equitable system of workingmen's compensation as those in operation in Germany and in England.

But this question of industrial accidents is only part of another and larger question of the relation of industry to health. The workers of Pittsburgh are dealing not with simple ploughs and washtubs and anvils, but with intricate machines; in great work rooms where hundreds work side by side; dealing with poisons, with voltage, with heat, with a hundred new and but half mastered agents of production. Are the conditions under which some of this work is carried on directly inimical to health?

Industry and Health

Could they be bettered without serious loss to the trades and with great gain to the workers? Let me illustrate from the women-employing trades. The Supreme Court of the United States has recently upheld the Oregon statute prohibiting the night labor of women in certain industries on the ground that such work is a danger to health. From mid-August to the first of December, in the stogy trade of Pittsburgh, women work from two to three evenings a week; laundries customarily work Friday nights until ten, eleven and twelve o'clock in order to return goods to customers Saturday, and overtime in all departments before every holiday. We have cases of ironers working until 1:30 and 3 a.m. The Christmas trade involves night work in the paper box factories for three months; and in the confectionery trades from October 15 to December 15; and the women are known to work 75 to 80 hours a week, which is in excess of the Pennsylvania legal limit.

Again, take the matter of insanitary work rooms. In the rapid development of the factory trades in America, we have only begun to devise our plants with reference to the health of the worker as well as with reference to output. In only two of the 28 commercial laundries in Pittsburgh, is the wash room on the upper floor. In 26, rising steam and excessive heat not only cause discomfort in the other departments, but tend to induce diseases of the respiratory organs. Tobacco dried in racks in many of the stogy sweatshops, makes the air heavy with nicotine, fills the room with fine dust and increases the danger, always present in tobacco trades, from tuberculosis. In foundries and machine shops, the custom of placing annealing ovens in the rooms where the cores are made, causes excessive heat in the work room and fills the air with black dust. We have the statements of old employees that not more than 25 girls of the 300 in the coil winding room in one of the Pittsburgh electrical industries have been in the plant as long as three or four years. The speeding up tends to make the girls nervous, weak and easily overcome by illness.

Apart from the dangers of accident, of speeding and injurious processes, the health of a working force bears a direct relation to the length of the working day. The tendency with respect

to both hours and Sunday work in the steel industry in Pittsburgh has been, for fifteen years, towards an increase, and there is no indication that the end has yet been reached. There is not the opportunity here to analyze the time schedule of the varied departments of the steel industry, but in a majority of them the day of 24 hours is split between two shifts of workers; and the men work not six days, but seven a week. And a very considerable share of them, once a fortnight in changing shifts, work a long turn of 24 hours.

Employers may differ as to whether they can get the most work and the most effective work out of a man if he works 12 hours a day, or 10, or 8. But I hold that the community has something at stake here. How much citizenship does Pittsburgh get out of a man who works 12 hours a day seven days a week? How much of a father can a man be who may never see his babies except when they are asleep; or who never gets a chance to go off into the country for a rollick with his boys? The community has a claim on the vigor and intelligence of its people, on their activity in civic affairs, which I believe it is letting go by default. It is getting only the tired-out leavings of some of its best men.

My argument, then, is that if the civic responsibilities of democracy in an industrial district are to be met, the community should do what a first-rate industrial concern would do, figure out the ground it can cover effectively and gear its social machinery so to cover it. By social machinery I mean hospitals, schools, courts and departments, the structure of the city and all that wide range of activities that have a direct bearing on the living conditions of a people. Second, hold these agencies as closely accountable as are enterprises in the business world; and bring them to the ultimate touchstone of their effect on the welfare of the average citizen. Unless a wage earning population is so insured against disease, its vigor and effectiveness so conserved, the community is not meeting its responsibilities toward the industries which must depend upon these workers for output and profit. In turn, the public should see to it that the industries do not cripple nor exploit the working force which

constitutes the great asset of the community. And further, if such a program is to be carried out in an American and democratic way, the workers themselves must have greater lee-way and leisure in which to bear their share of the burdens and responsibilities of American democracy.

I bear a message tonight to Pittsburgh from John Burns, president of the Local Government Board of England, one of the foremost labor leaders of Great Britain, who has been hailed this fall as one of the conservative forces of the present Liberal Ministry in dealing with the important economic problems which are facing the British Empire.

**A Message
from
John Burns**

He has visited America and Pittsburgh as a member of various commissions, and it was on the basis of his knowledge of our situation here that I asked him for suggestions as to ways of advance, which would lead to the improvement of civic and labor conditions in the Pittsburgh steel district.

"Six days work a week instead of seven," he said. "Three shifts of eight hours instead of two shifts of twelve; no twenty-four hour shifts; better housing; counter-attractions to the saloon; more parks—open spaces; the improvement of the river front—the humanizing of labor instead of the brutalization of toil. There you are. Those are Pittsburgh's marching orders."

One of my earliest recollections of a canvass covered geography was the prime fact which is Pittsburgh—that here the Allegheny and Monongahela rivers unite to form the Ohio. Huge economic foundations buttress this fact (oil and gas and clay and iron and coal). History in the making has rolled it into new shapes and a changing significance. The junction is the great left fist of the Father of Waters. The three rivers give the town common cause and intercourse with the Atlantic coast ranges to the east, and the mid-continental bottom lands, north and south, to the west. Their waters carry the ores and fill the boilers and douse the hissing billets of the steel makers. They are not easy overlords, this triumvirate of rivers. They carry fever which scotches one town and the next. They rise a bit too far and the fires are out, the streets

Pittsburgh

flooded. But grudgingly and inevitably, they are yielding mastery. They have been dammed and sluiced and boiled and filtered to suit the various demands of navigation and power and temperature and thirst.

The mastery they yield is to another current—the eddying peoples which make up the community and all its works—a current more powerful and mysterious than the bulk of brown waters. The War Department engineers can tell you the exact number of cubic feet which slide past either side of the Point every minute. The sanitarians can give you the number of bacteria, friendly or plague-besetting, which infect any cubic centimeter. The weather man in a high building can forecast the exact stage which the water will register hours hence. But what of the people?—they largely take themselves for granted. They rarely take the time to test their own needs or to consciously gauge the destination of the currents that possess them. They are here—the strong, the weak, the cowed, the ambitious, the well equipped and the pitiful; they jostle and work and breed. For the most part they run a splendid course, but they do not keep tally, and ignorance, as ever, has meant sorrow and death and misunderstanding.

The three rivers and the resources they tap brought the people here. Environment is inevitable as a selective agency; but the people once here, can by their willing, mold and perpetuate or destroy the holding power of the district. Other cities have large admixtures of clerks and trading classes. I doubt if there is such another working force in the country as that which peoples these valleys. Therein lies a municipal resource worth conserving to the utmost of its potential goods. Will Pittsburgh as a community, as a democratic community, meet that responsibility?

Will the industrial communities of the nation, as democratic communities, meet their responsibility?

The Function of Business Bodies in Improving Civic Conditions

H. D. W. ENGLISH, Pittsburgh

Formerly President, Pittsburgh Chamber of Commerce, and Chairman,
Pittsburgh Civic Commission

Increasing numbers of people in America are coming to believe that chambers of commerce and business bodies generally have a very great obligation toward, and duty in connection with, civic problems.

With the exception of three or four in this country, commercial organizations, as a rule, are distinctly given over to what is called the promotion of the commercial welfare of the community in which they exist. They naturally turn to broadening markets; to better transportation facilities; currency and trade questions, and to advertising their several localities. These are regarded as the fundamentals of commercial prosperity. The three or four exceptions which have taken up civic work are in great centers and civic advancement has been quite pronounced already as a result.

Commercial organizations, however, have in the past neglected a large field which virtually effects the very fundamentals of a commercial supremacy, i.e., that a city to be great commercially must be great civically. How can any set of business men go out from a community and ask for business confidence; for contracts involving immense sums of money when that city's public business and civic tone is so low as to cause suspicion to fall on these same business men, who, through neglect of their civic duties, have given a just cause for suspicion of civic incompetency. It doesn't matter how unjust it may be to the individual. Allow the city to drift civically upon the rocks and the commercial prosperity will soon follow.

On the other hand, organization of effort as expressed in such associations as we are speaking of present the most effective way of obtaining knowledge and suggesting remedies in civic matters which may effect commercial advance in a conservative, dispassionate way without fear of the criticism of doing so for partisanship advantage. Indeed there should be no thought of partisanship.

Organizations of this kind will make themselves felt for civic good when it is found out that they are actuated by broad principles of public policy for the whole good of the city. The fact that influential, thoughtful and active business men have agreed upon a certain policy will carry weight in a community of thinking people, and with any thoughtful legislative body. There should be no conflict between such organizations and municipal legislatures where both are seeking to solve questions for the highest good. They both should approach all municipal questions with the one desire of solving them properly and with mutual respect for the judgment of both. The most effective way, however, is through the appointment of a committee from the legislative body to hear a committee from business organizations and together thresh out the chaff and get the wheat. Each should recognize the need of the point of view of the other. The consideration of municipal problems by boards of business and technical men, apart from the municipal government and administration, is a good one, in that it causes our busy American people to think more of the government, of which we are a part, and more of their duties and not leave everything to those to whom we elect to office. The very fact that interest is aroused will cause those same people whom we have elected to be more thoughtful in their actions.

In Greater Pittsburgh we have fourteen commercial and civic bodies organized for the purpose of fostering trade and for civic betterment, composed of 3500 leading business men and women, all citizens. The great civic questions are taken up by some one of these organizations and by them discussed and the consensus of opinion arrived at and passed on to the others and by them in turn discussed and opinion arrived at. The final judgment

should be of inestimable value to any legislative body, and is a real contribution to the subject in hand and should have its weight in the final determination of any question by a municipal legislature seeking the highest good.

There is another feature which is not so apparent to all, namely, that municipal government generally plans for those municipal activities which either through custom or time have been found necessary, or the doing of which can actually be seen to pay in some immediate results; sometimes, alas, pay in a political way and sometimes pay in a broad public way, but at any rate, not looking a long time into the future. It is proverbially the remark that municipalities, while they always wish to see returns for money expended, are not capable of looking very far into the future and seeing benefits from money expended today which will come back, perhaps, to our children. Such things as better housing conditions, better transportation facilities, better care of the children of the streets and better sanitary conditions, the granting of franchises viewed in a broad way, sometimes look too advanced to the ordinary legislator, but it is not difficult to show to the thoughtful business man that all this counts, even counts from the dollars-and-cents point of view, let alone the matter of civic pride. So it is by the arousing of interest in such bodies of business men that we have a healthy tone in a community which operates for the public good.

The consideration of great numbers of civic questions necessary to the economy of operation, reduction of water waste, etc., can be solved much more readily, much more intelligently, by a body of business men, and civic advancement and remedial measures will only be furthered by such bodies which in the very nature of their individual business take into consideration far-reaching effects and future needs, all of which business men are accustomed to review before taking action. Perhaps no body of men engaged in voluntary work can bring to bear in the solving of civic problems so much expert knowledge or engineering skill on subjects such as engineering, filtration, flood protection, sewage disposal, smoke abatement, civic and archi-

tectural beautification, housing conditions and the drafting of proper legislation relative thereto, or the same all-round touch necessary to a wise decision on these great questions which so vitally effect the welfare of a city, as the men who make up the membership in a commercial organization.

The membership of commercial bodies can be assumed to represent the most progressive and broadest men of the city, yet men of this kind in the rush and exactions of their business are too apt to forget the, to them, minor things which make for better municipal living. There is a tendency also to look upon new movements as being largely theoretical rather than practical. By committee work, such as is done in chambers of commerce who do civic work, the men get closer together and by conferences and talks with those who are in closer touch with the civic needs, such as the heads of the departments of a great city, are first brought to take an interest and finally to lend their active assistance, and the very fact that after due consideration such assistance is given to these civic subjects gives such subjects a better standing before the community. No administrative branch of the city government can accomplish much unless it has the coöperation and confidence of the business

men of the city, men who are responsible for the substantial growth and progress of the city.

Coöperation by the substantial growth and progress of the city.
Doing Things In no way can we get a better coöperation than by giving these men a chance to do something tangible themselves than by the creation of special committees to carry on special civic work.

It is scarcely necessary in this enlightened period to say, as has been said, that bad water, bad sewage, bad housing and bad air are a species of indirect taxation upon the business interests, not only as taxpayers, but in their effect upon the output. Let us be more explicit and make an illustration from our own experience in this city with typhoid fever in 1906-1907, caused by lack of pure water, and again caused by lack of attention on the part of our city authorities, until commercial and civic organizations, recognizing the frightful economic loss and loss of prestige to our city, forced attention to this matter. Let us put it all on the low ground of values lost in money and to com-

merce. In 1906 we had 5729 cases of typhoid fever. Of that number 508 died. It has been estimated that the average income of each of the 508 people was \$300.00 annually. That annual earning capacity represents a capitalization of \$5000 at 6 per cent. If we multiply that capitalization by 508 then this city lost in income \$152,400 annually, or what could correspond to an earning capacity on \$2,540,000 in capitalization in a single year. This loss is simply for one year. If the average age of the 508 was arrived at and the expectation of these lives which were sacrificed in a great measure because of lack of civic duty, were gone into, the economic loss to this city in a number of years as a result of civic neglect would be appalling. Then again we add to this the frightful loss from the "White Plague," (estimated recently by one of our leading specialists at \$4,000,000 annually in this city) and we can easily be said to have been losing an earning capacity from preventable deaths alone, of over \$300,000 annually. That represents a steel works capitalized at \$3,000,000 earning 10 per cent on its capitalization. Were the citizens of this great city to wake up to the fact that we are actually losing annually a tangible steel mill costing \$3,000,000, paying \$300,000, how long would our commercial organizations question the advisability of entering heartily into civic questions which involve such vast sums of money? In making this illustration from our own city let us call the attention of almost every American city to like conditions. It is not to point the finger of scorn at any city that these figures are given, but to call the attention of all to this frightful economic loss that can be stayed by intelligent work. One feels like apologizing for placing human life on so low a plane as to show its commercial value to a city, but if it illumines the minds of the members of our great American commercial organizations to the absolute need of a keener sense of a civic responsibility on their part today, then the use of the illustration may be forgiven. Nor is that all. In a great many American cities illustrated lectures on the question of pure water are being given. Wandering into one of these lectures several years ago, imagine my chagrin at finding my own city placed as one of the

418 BUSINESS BODIES IMPROVING CIVIC CONDITIONS

plague spots, and being unable to defend it. Do you suppose all these facts were not inimical to the business interests of the merchants of my city?

Is it not a relief then to look at the figures for Pittsburgh since the filtration plant has been in operation and find the following:

Number of Typhoid Fever Cases in October, 1907... 58

Number of Typhoid Fever Cases in October, 1908... 8

Decrease in a Single Month of..... 50

Is there any need to ask what are the functions of a commercial organization in civic matters on a question so vital to a city's commercial welfare, with such recent history back of one American city, which through its commercial organizations, is determined to settle these questions for the future of a great city.

We have not the time, nor is the data at hand, to inform you as to the actual loss commercially to this city, and to all American cities from the lack of proper combustion of fuel. The leading commercial organizations of this city have taken this question up seriously and we believe in five years will settle it definitely for every American city, for when Pittsburgh settles it, the question of the possibility of settlement is closed. Laying aside the question of health involved, which is a great one, the loss to our cities commercially in the depreciation of stocks from damage by smoke is almost incalculable. We have already discovered that steam efficiency is much increased and fuel cost greatly reduced. Then why should a commercial organization not take up such a great civic question as this for purely commercial reasons?

Then comes the great housing question. It is an absolute fact and is subject for proof that clean, healthful home conditions reach in a commercial way inside the

The Housing Problem factory gates. There comes a time in the life of every great and growing city when the speculative

builder cannot keep pace with the growth, and the kind of houses this same speculative builder erects for workmen has a direct interest not only to the city, but for the employer, as well. When that time arrives then you will find a condition where from five to twelve men sleep in a room and

the workingman is not at his best and his work is faulty. Then also comes the time when it becomes a great commercial proposition and the manufacturer must take an interest in a question so vital to his business.

It would seem that the question of recreative parks, bath houses and proper facilities for working people to seek recreation is one properly belonging to a commercial organization when the recent experience of one American city is cited. Two committees of skilled workmen sent by their employers to this American city refused, after investigation, to accompany their employers, who desired to remove to that city, because of a lack of these things which they, in a more rural environment, had found necessary to the health and enjoyment of their families and themselves. These two manufactories paid out about \$10,000 in wages per month, a total annual wage of \$120,000 being lost to that city. Is it a function of the commercial organization to take up civic matters with such an experience?

The best work an individual citizen does is that for which he receives no pay. When we honor the business man more who through a high civic sense of duty makes his contribution to the public good, we will be on the way to a greater degree of effective service than we have ever dreamed of, and the best work any commercial organization is doing in taking up great questions

**The Retro-
Active Influ-
ence of Civic
Work**

such as have been outlined, and many more which might be given, is that silent retroactive influence upon the membership itself—the education of the individual business man to the supreme importance of a thorough knowledge on all civic questions which have in the very recent past been decided for him while he was so busy at his daily grind. These questions were not being solved in a way which finally would inure to his own personal interests as a citizen of a city in which he lived and must rear his family, and as a business man who must ever be alert for trade. This unconscious education of the business man that is silently going on in a commercial organization as the individual member lends himself to civic and social questions lead him finally to see that the thing needed is less philanthropy and more of himself, with his keen insight and a determination to settle these questions honorably.

That is, giving more of himself, the need of his check will soon disappear. He soon finds that it is idle and deceiving for men or women to build summer homes, hospitals, wage war on tuberculosis, when commercial methods of the present day are increasing the need for such places and such work. That hundreds of thousands of dollars to equip modern mills must, to be a future commercial success, carry with it other thousands of dollars for decent homes for workingmen to live in who can in turn give the full equivalent in healthy and effective service in these mills; that the machinery that maims men and causes loss of time and extra expense must be supplanted by protective machinery or it will prove a losing proposition commercially. He will find that the social welfare of his men is absolutely a part of the welfare of his business and brings him back to that old axiom that an "ounce of prevention is worth a pound of cure." Thus we will in time establish a new standard of service.

Governor Hughes has said, "the essentials of civic government are three—leadership, intelligent public opinion and expert service." Here and there we find citizens who may have good ideas concerning improvement of civic conditions, but unless they are able to make a constructive suggestion, which can be taken up and after intelligent investigation given expression in the united and forceful action of a large body of conservative business men, such as represented in our great commercial organizations, the ideas will not likely result in effecting the reforms desired. So the business man who connects himself with a commercial organization, broad enough to see that his city cannot be great commercially and at the same time unbusinesslike and inhuman civically, and lends his best energies to that organization in the solving of civic questions as earnestly as he does to questions of trade and commerce, has a real and practical vision of the broad minded and humane business man of the twentieth century, who is to be a real force in the civic life of his community, and thus contribute to the commercial greatness of the city to which he owes his allegiance, and in whose behalf it will be at all times his pleasure to serve. Remembering always that every man inherits as he lives much from his city, and should bequeath something of his time, his talents, for the higher good of that city before he dies.

The Liquor Traffic and City Government

PROF. AUGUSTUS RAYMOND HATTON, Cleveland
Professor of Political Science, Western Reserve University

It is doubtful if the history of government reveals a more persistent, pervasive or intricate problem than that arising from the use of intoxicating drink. Apparently as old as organized society there is no government in the civilized world today which does not feel called upon to give it earnest consideration. Its persistence alone is strong proof of its difficulty. If further evidence is required even a superficial examination is sufficient to show that it involves such a multiplicity of elements, economic, social, political and moral, that it is easy to cast at least some doubt upon any solution which may be offered. And yet it is a question which, from its very nature, cannot be permitted to rest until some solution has been found measurably satisfactory to a majority of the people of each nation concerned.

At the very outset one is impressed with the fact that an impartial consideration of the liquor question is beset with special difficulties. The positive conviction with which the champions of the two extremes advocate their theories leaves little room for the findings of the scientific investigator. If his conclusions lean toward suppression of the traffic he is a puritan and hostile to individual liberty; should he incline toward a less rigorous policy he is a creature of the rum power and an enemy of mankind; if he finds himself obliged to take some middle ground he receives aspersions impartially from both sides. The investigation of the liquor traffic shares this difficulty in common with all other questions into which the so-called moral considerations enter. The very intensity of feeling which keeps the question alive becomes one of the chief obstacles to a wise solution.

While it would not be safe to say that the comparative rareness of impartial scientific investigations of the liquor traffic is due to the condition just described it does happen that, considering the importance of the question, the amount of literature of solid value concerning it is exceedingly small. It is also true that those investigations which rest upon the soundest bases are apparently the least quoted in the battle of argument which is constantly raging.

Another difficulty in the path of any comprehensive investigation of the liquor traffic is found in the wide scope which the inquiry must take. The subjects range from individual liberty to the conditions of labor, from taxation to the causes of insanity, from local autonomy to social psychology. A multitude of factors demand consideration and no view is complete without taking them all into account. Even when that is done conclusions may differ in proportion as superior weight is given to this, that or the other element.

One final difficulty remains to be noticed. The problem of the liquor traffic involves, as has just been indicated, a wide range of social phenomena. It need not be said that social facts are always hard to weigh, analyze and classify even when the most perfect system of observation and tabulation has been worked out. Even with a comprehensive plan it is never absolutely certain that the same standard of judgment is employed by all those who contribute to the work. For this reason social statistics have always a considerable element of uncertainty. Moreover students of social questions in the United States have not even the advantage of a compilation of facts worked out according to a comprehensive plan. Within the boundaries of the individual state a uniform system of collecting data may be employed. However these systems are only too often carelessly or inadequately carried out and the range of facts covered is usually entirely too limited. The tables of the Federal Government are in most cases based upon the reports of state officials. Hence comparative studies of various states are likely to be untrustworthy and the figures so glibly quoted by opposing sides in the liquor controversy are often unreliable or at least open to serious question.

In the face of these difficulties, and partly because of them, the problem of the liquor traffic stands more in need of an impartial and comprehensive investigation today than ever before. The very progress of the anti-liquor movement through the media of state prohibition and local option has increased rather than lessened the need for more light. A solid

Imperative

Need of Investigation

basis of fact upon which to rest further procedure should be welcomed by every person who desires to settle this great problem in a manner most conducive to the public good. And yet since the work of the Committee of Fifty, ten years ago, no general study of the question has been attempted in America. There has been published since that time, one valuable monograph upon the central administration of liquor laws and from time to time numerous magazine articles have appeared. But, in the main, the facts and figures currently quoted have emanated either from those interested in the liquor trade or from the party committed irrevocably to complete and immediate suppression. Aside from these convinced advocates of conflicting solutions there is not, so far as the writer knows, a single American investigator who is contributing steadily to our knowledge of this most difficult and intricate problem. Indeed the largest mass of accurate information regarding American conditions which has appeared since the reports of the Committee of Fifty is to be found in the joint work of two English authorities.¹ If the outcome of this present discussion should be a systematic and exhaustive investigation of the liquor traffic as it affects the government of cities in the United States the National Municipal League would have made a contribution of inestimable value toward the solution of a great problem.

After all the liquor question is largely a problem in city government. In the country districts it presents no special difficulties. Outside the large centers of population several methods of treatment have been found to work fairly well. No plan has given uniform satisfaction when applied under urban conditions. The most obvious reason for this

Liquor

Question

**Essentially
a City One**

¹ Rowntree and Sherwell: *The Temperance Problem and Social Reform*, 9th ed., 1901; *Taxation of the Liquor trade*, vol. i, 1906.

difference is that intoxicating drink is chiefly sold in cities. This is due to the fact that the trade follows the same course economically as any other business and locates itself at the point where the profit is greatest. In fact it is even more irresistibly drawn to the urban centers than trade of other descriptions, for not being a necessity of life, it would lose the greater part of its custom unless situated where men habitually come together for other purposes.

Furthermore the very nature of city life creates a disposition more favorable to the saloon than is to be found in the country districts. The close contact, highly diversified interests and greater excitement incident to a massed population are productive of liberality of view not to say of a free and easy attitude toward life. This manifests itself in a more tolerant spirit and in a disposition to give the other man his way in matters personal. The causes lying back of this tendency in urban populations is beyond the province of this paper to discuss. The purpose here is to point out that it is responsible for granting the saloon a right to be so long as there is any considerable demand for it and for a certain amount of blindness to its undesirable features. The presence in many of our American cities of large numbers of persons of foreign birth who have always been accustomed to the use of intoxicants only serves still further to accentuate this universal tendency of urban life.

There is another aspect of city life not so often considered in this connection which renders the question of intoxicating drink peculiarly one of municipal government. The strain and stress of the present industrial organization falls largely upon those in the cities. They are the ones most directly affected by our machine-made age. The so-called industrial classes are largely city dwellers. From one extreme of life to the other the principle of division of labor has deprived the urban inhabitant of the recreation which comes from variety in work. Especially among the shop and factory workers has the division of labor been carried to its utmost limit. When there is added to the dulling monotony of performing a single small part of an industrial process, the tension under which labor

**Industrial
Classes and
Liquor**

is performed, the din and jar of machinery, and, only too often, the smoke and grime of unattractive and unsanitary surroundings, it is not strange that men released from labor under such conditions should seek relief in some manner from the strain of their daily toil. The search for something with an inhibitory effect, to employ the term used recently by Professor Münsterberg, leads directly to the use of alcoholic stimulants. The evil results of alcohol appear most frequently among this class of our population. Our industrial organization demands the highest degree of self-control from the very persons whom it deprives of that virtue. The free life of the country with its good air, its quiet and its variety of labor, if not proof against the ravages of alcoholism, at least does not produce an abnormal condition which tends to seek relief in artificial stimulants.

The ease with which laws regulating the liquor traffic may be evaded in cities adds another purely municipal attribute to the problem. The strain of enforcing such provisions, especially if opposed by public sentiment, is more than even a conscientious city administration can stand. The exclusion of the traffic from neighboring small towns and from the country round about often renders the position of a city more difficult. In such cases the city government has to bear the burden of enforcement against the efforts of its own people reinforced by the drinking portion of the tributary country districts.

Thus briefly an attempt has been made to show to what an extent the problem of the liquor traffic is predominately a question of city government. The purpose has not been to minimize the seriousness of the situation but to make it clear that any solution which is offered must be based largely on urban conditions.

What then are the fundamental facts regarding the relations of the liquor traffic to city government? The trade is charged with being in politics and the charge is unquestionably true. Wherever the traffic exists it is a force politically, varying in degree from a moderate influence to tremendous power. But why is the liquor traffic in politics? An answer to the latter question is necessary in order to get the situation clearly in mind as well as a preliminary to the suggestion of remedies.

The two causes of the political influence and activity of the liquor trade are (1) Regulation and (2) the nature of the retail business. There is a unanimous opinion among all parties to the liquor controversy that the traffic cannot be left entirely free. Even those engaged in the trade do not lay claim to the same degree of freedom enjoyed by other lines of business. But regulation is followed inevitably by political activity. In this connection it should not be forgotten that, from an economic standpoint, the liquor trade, like any other business, is primarily concerned with profits. The object is to manufacture and sell a commodity for profit and the moment regulation curtails freedom of trade the profit of the business is affected and it goes into politics either to secure the enactment of less hampering restrictions or to fight the enforcement of those already enacted. In this respect the liquor trade acts very much as would any other business under similar circumstances. The steel trust is in politics to prevent unfavorable changes in the tariff, and the railroads to prevent additional rate legislation just as the liquor trade is in politics to prevent the passage of prohibition and local option laws and restrictive city ordinances.

The economic weight of the liquor traffic when drawn into the political arena is not to be scorned. In 1900 the capital invested in manufacture alone amounted to \$457,674,087. There were, at the same time, 52,575 persons drawing their livings from that part of the business either as laborers or salaried employees, while the total value of the manufactured product was \$340,615,466. This political strength derived from the economic weight of the trade belongs largely to the brewing industry. Of the total capital of \$457,764,087 in 1900, \$415,284,468 was devoted to the production of malt liquors. The number of salaried officers and laborers in that branch of the business was 46,655 as against a total of 52,575 for the whole trade, while the brewers' share in the value of the total output was \$237,264,713 out of a total of \$340,264,713. From this it is easy to understand why it is that in the liquor conflict the brewers appear to be the only branch of the traffic on the manufacturing side definitely interested in the outcome.

But aside from the greater economic importance of the brewing industry there is another reason which accounts for its superior political power as compared with that of distillers and producers of vinous liquors. **Economic Importance of Brewing** Owing to the greater cost of distributing the finished product, as against the cost of transporting the raw material used in manufacture, the tendency is to locate breweries with a view to ease in the distribution of the product rather than with regard to convenient supplies of raw material. In the case of the distilling industry the opposite condition prevails. The cost of distributing the finished product being slight, in comparison with that of transporting raw materials, the plants are located, in the main, with regard to convenient supplies of the latter. The result is that, in addition to the greater capital and labor involved, breweries are much more widely distributed than distilleries. There are few cities of considerable size without one or more brewing plants. Breweries are thus, in a sense, local institutions representing investments of local capital and giving employment to local labor. Hence the deleterious economic effects of an anti-liquor crusade or even of an attempt at reasonable regulation is brought home to the community in a very specific way through the local brewer. The possible disturbance of local investments creates more or less sympathy on the part of capital in general and, at the same time, regulation which threatens even remotely the positions of those employed in the plants causes not only their own opposition but to a certain degree that of organized labor as a whole.

From the foregoing it may be seen that the opposition to regulation which might be expected from the industry, owing to the large amount of capital and labor involved, is greatly increased by the wide distribution of the manufacturing establishments of its most important branch. However, if those were the only sources of power, the political influence of the liquor traffic exerted against attempted regulation would not be greater than that of any other industry similarly situated. It is the nature of the retail business which contributes the largest measure of political power. With any other industry which

attempted opposition to governmental regulation its means of political influence would practically be limited to those already discussed. But the peculiar organization of the retail side of the liquor traffic adds to the means of influence already mentioned the entire capital and personnel connected with that part of the trade.

Aside from tobacco the retailer of liquor usually sells one commodity only. Therefore his profits—in other words his living—is dependent upon the sale of that **The Retailer's** alone. Any regulation which restricts the **Profits** market for that article in the slightest degree, by just so much affects his means of livelihood.

His interests are at all points bound up with those of the manufacturer and consequently any interference with freedom of trade welds into one complete and organized opposition the capital and personnel of the entire business from the largest producer to the smallest retailer.

A restriction upon the sale of a necessity of life will not reduce the consumption below a certain standard. For instance, if sales are forbidden at certain hours it can reasonably be expected that increased sales at other hours will make good the loss. On the other hand regulation of the liquor traffic, which makes it impossible or even inconvenient to purchase at times, results in a diminution of trade never entirely made good. Liquor is not a necessity of life and, consequently, sales prohibited for a certain time are, in large measure, sales lost. The organized opposition of liquor dealers to Sunday closing is readily explained upon this ground. Such opposition may be supported by personal liberty organizations and may clothe itself in the garb of political principle, but in reality the retailer is moved almost entirely by a consideration of profits. But for that the saloonkeeper would be glad to close his shop on Sunday and secure the rest so welcome to merchants of other descriptions.

A consideration of the ties which bind the liquor traffic into one complete working organization would be incomplete without mention of the more or less direct control often exercised by the manufacturer over the retailer by ownership of the

licensed property, ownership of or mortgage on the saloon fixtures, or by acting as bondsman for the licensee. The exact extent of this direct financial control cannot definitely be stated. However, there is sufficient evidence to show that it sometimes affects a large percentage of the saloons in a given city.

Enough has been said to indicate why the entire strength of the trade is easily aligned in opposition to any attempt at regulation which threatens to curtail profits. How formidable a political power the entirely legitimate voting strength of the liquor traffic may be is easily shown. Taking the extremely conservative position that each licensed saloon would probably represent five votes the strength of the trade would be 3700 votes for Indianapolis, about 4000 for Pittsburg, 8500 for New Orleans, 9100 for Cleveland, 11,400 for San Francisco, 35,000 for Chicago and 52,700 for New York City. Probably, to most persons conversant with actual conditions, the control of twice the number of votes we have assigned to each establishment would not appear unreasonable.

But it is not simply the voting strength estimated as so many individual units which renders the political force of the liquor trade so potent. To the force of numbers is added the strength which comes from the perfect control produced by unanimity of interest. It is a vote which may be turned in any direction with a promptness which gives it a weight far beyond its mere numerical importance. Even with the strength credited to it by the figures just given it is probably safe to say that ordinarily the trade would be able to command the situation. Under the circumstances it is not remarkable that party leaders are anxious to conciliate and win the liquor vote by promises of more or less freedom from control.

In addition to the enormous political power which may be wielded by the trade owing to the identity of interest and intimate relations of all its parts it should not be forgotten that the saloon as an institution is peculiarly fitted to become the center of political influence among certain classes. The description of the saloon as "the poor man's club" is not without an element of truth. Among the poor of our larger cities the open saloon

is a place of cheer and comfort at once a relief from the monotony of toil and more attractive than the place called home. Besides it is only too often the only place which offers satisfaction for a real social craving. As places for political meetings and conferences saloons are always convenient and available. Because it adds to his trade the proprietor is glad to welcome such gatherings. Moreover the saloonkeeper himself is in a position to become a leader of those who come regularly to his shop. Although the entertainment which he dispenses is paid for he seems the center of hospitality. His establishment is made a place of convenience, checks are cashed, loans made and charity at times dispensed. As the stream of patrons flow in and out he is party to the gossip and discussion constantly in progress. He thus becomes a repertory of information regarding conditions about him and, of all men in the community, knows its life most intimately. Then again, from a financial point of view, he is likely to be the most important personage of the group in which he moves. This, together with the fact that he mingles upon equal terms with his less fortunate neighbors, adds greatly to his political strength. Hence in communities of a certain type the saloonkeeper is in the best position to attain and hold political leadership.

In connection with the political influence which seems to flow naturally to the retail liquor dealer there is one fact of great importance. The political power of the saloon varies with the class which it serves. Indeed, taking the saloon which caters mainly to a laboring population as a point of departure, the political power of the institution appears to decline about in proportion as its patrons rise in the scale of well being. The saloon with a high grade patronage is rarely a considerable political factor and its proprietor is seldom found among the political leaders. Politicians of the type of George B. Cox and Michael Kenna are products of the retail liquor traffic of the lower if not of the thoroughly disreputable class. The significance of this condition needs to be grasped. It indicates at once the source of a part of the influence of the trade and at the same time suggests the points at which remedial measures should be applied.

At the risk of being tedious it has seemed necessary to call attention to some of the tendencies of urban life as they affect the drink problem and to point out those features of the business itself which fit it in a peculiar manner to wield political influence. While the discussion makes no pretense of completeness, it may serve to bring into the foreground certain phases of the problem which must be given careful consideration prior to any final solution. The larger moral and social aspects of the question have been left entirely aside. They are the basic propositions in regard to which, if there is not complete agreement, there is at least a certain degree of unanimity; for, while there is a considerable difference of opinion regarding the extent to which intoxicating drink is chargeable with such social ills as poverty, crime and insanity there is no denial of the fact that it is a cause. It is for this reason that not even the most ardent advocate of personal liberty claims for the liquor traffic the same degree of freedom accorded to other lines of business.

With the necessity of regulation long acknowledged the experience of our states in dealing with the liquor traffic has been extremely varied. A beginning of any study of the subject would seem to demand an examination of at least existing laws and their mode of operation. From that source a wealth of information might rightfully be expected; for, the present liquor legislation in the United States presents every known variety with the two exceptions of state monopoly and that which, like the Gothenburg System and the English Public House Trust Movement, seeks to eliminate private profit from the retail branch of the trade through management by a company limited to a fixed return upon the capital invested. The latter plan has several times had the support of eminent authority in this country and very recently has been advocated for Los Angeles.

It was in view of the wide experience derived from the great variety in the methods of dealing with the liquor traffic now in operation that the National Municipal League decided to endeavor to bring together a body of information regarding the actual working of existing liquor legislation in cities. The usefulness of some such inquiry was still further

**The Move-
ment for Sup-
pression**

indicated by the great conflict being waged against the traffic throughout the United States. It has already been pointed out that the rapid spread of the movement for complete suppression either by state wide prohibition or some form of local option has accentuated, rather than solved, the problem for the larger cities. There can be no doubt that of all sections of the country the cities have the most at stake. A proper solution would mean immense gain to them in better social and governmental conditions; an unwise policy will have its bitterest fruits in the cities. In fact the success or failure of any plan of dealing with this question must ultimately turn upon its applicability to urban conditions.

As a beginning to the inquiry a list of seventeen questions was sent out to persons known to be familiar with conditions in their own localities. The intention was to secure in this way sufficient material for a preliminary study. Those in charge of the work have been under no misapprehensions as to the limitations of the method of procedure employed. It is difficult to frame questions for a printed list in such manner that the reader will get a clear conception as to the nature of the information desired. Besides such questions are usually submitted to busy men who often find it impossible to answer the inquiries with adequate fullness. No doubt results entirely satisfactory can only be secured by a personal investigation of each locality by some one with a thorough understanding of a carefully prepared general plan. However, the present inquiry has resulted in a considerable body of distinctly valuable information, though not complete at any one point, and not distributed as to cities with the evenness that could be desired. On this account it must be said that the data collected is insufficient for any final conclusion although from it certain valuable suggestions may be derived.

One of the most significant facts revealed by the inquiry is the lack of any definite program in the minds of intelligent students for dealing with the liquor problem. In the replies received there was a surprising absence of suggestions as to methods of remedying laws admittedly defective. Moreover very few

**Lack of
Definite
Program**

who contributed to our stock of information have had any definite plan for removing the traffic from politics in their own cities. Even allowing a liberal margin for those who did not wish to come forward with an off-hand solution, there was revealed a widespread feeling of uncertainty as to what should be done. Under the circumstances one could not avoid the conclusion that an organization of known impartiality which could present a well considered plan of action based upon adequate information would be performing a splendid service.

Beyond the lack of a definite program the most important conclusion to which the impartial student is forced is that under present conditions no one method of dealing with the liquor traffic has proved uniformly successful. Methods which work well in one locality fail in another. In some cities any one of several plans appears to have worked fairly well; in others there has been widespread dissatisfaction with all. In short, back of the success or failure of every plan, lie the conditioning factors of the number, class and homogeneity of population and especially that indefinable something called public sentiment.

Turning to an examination of the methods employed in dealing with the traffic in this country this discussion will confine itself to certain general principles. What is presented is largely in the nature of tentative conclusions which may serve as a guide to discussion. The views expressed are based only in part on the results of the League's investigation.

Laws dealing with the liquor traffic aim either at prohibition or regulation. Under the first come state-wide prohibition and local option in its various forms. The second class includes all means of control short of suppression.

Prohibition by law operating uniformly throughout the state to which it is applied is one of the highest praised and most condemned institutions which this country knows. The fact seems

State	to be that it deserves without stint neither the one nor the other. In a few instances, notably
Prohibition	in states with a fairly homogeneous population and outside the larger cities, it has been reasonably successful not only in county districts but in cities as well. In North Dakota and perhaps in a majority of the cities of

Kansas, prohibition cannot be said to have been altogether a failure. True there have been violations of the law, predominantly in the border towns of North Dakota and in the larger cities of Kansas, but with those exceptions, probably not more than in cities with licensed traffic. The same can be said as to the greater portion of the territory of the state of Maine. The trial of the plan in the south has not yet continued long enough to warrant a definite opinion. However, owing to the additional incentive of keeping intoxicants away from the negro, there is apparently a greater disposition to enforce the law than is found in northern communities. On the other hand in Bangor, Portland and the other more important cities of Maine and in some of the larger cities of Kansas state-wide prohibition as applied to city government has developed such general disregard of the law that the effect is equivalent to local option by nullification.

What has been said is equivalent to the time-worn remark that state prohibition is successful in those places where public sentiment supports it. By success is not meant the absence of any violations of the law. The advocates of prohibition have a right to claim success if their measures are enforced with the same degree of effectiveness as laws for the prevention of crimes of lesser degree. Judged from this standpoint it can fairly be claimed that prohibition has been successful in the case of the majority of the cities of the states where tried. But it must be admitted that according to the same standard it cannot be adjudged a success in the large cities of Maine or even in many of the cities of Kansas.

The fundamental difficulty of state-wide prohibition as applied under present conditions is that it does not take account of the thousands of persons who not only do not believe in the policy of suppression but who see no wrong in moderate indulgence in intoxicants. These persons, while deploring the evils of drunkenness, are as sincere in their views as are the prohibitionists. The result of carrying a policy in the face of considerable opposition is not necessarily serious. Indeed it rarely is serious if the opposing force is scattered with some degree of uniformity throughout the entire population. It is when opposition becomes localized that difficulty arises in enforcing a disputed policy.

That is precisely what occurs in the opposition to restrictions on the liquor traffic and especially to the policy of complete suppression. The class favorable to the liquor traffic is to be found predominantly in the cities where they may even form a majority of the population.

The defect in the policy of state-wide prohibition just mentioned is enhanced by our system of local administration of general state laws. With officers locally chosen it is too much to expect the vigorous enforcement of laws to which their constituents are opposed. Even an active and compact minority is usually able to set a liquor law at defiance unless the remainder of the people are particularly aggressive for enforcement. In Maine from time to time the central government has attempted to force the prohibition law upon unwilling cities by means of state officers. Taking no account of the objection to state enforcement as a violation of the principle of home rule the expedient, when tried, has never been permanently successful. The strain upon the state government has proved too great, enforcement has been spasmodic and in the end the attempt has always been abandoned. Judging from experience it seems fairly clear that state-wide prohibition is very likely to break down when applied to cities in which there is not a vigorous public sentiment favorable to the law. In the absence of such public sentiment the law is usually more or less openly violated with the attendant result of encouraging lack of regard for law in general.

In the discussion of state prohibition fairness demands that some allowance be made for defects in enforcement owing to the inability of the states to adequately control the shipment of liquor from the outside. The semi-protection which liquor receives from the Federal Government as an article of interstate commerce is something of a handicap to the prohibition states. Whatever one may think of the policy of prohibition there should be no difference of opinion as to the desirability of giving the utmost freedom to the states to carry out any policy which they have a constitutional right to adopt. The lack of power of the states over interstate shipments of liquor is an obstacle in the way of local option as well as of state prohibition. It is

to be hoped that congress will find some constitutional way to remove the shackles which the lack of Federal legislation now places upon the free action of the states. After all, the question involved is simply that of home rule and it should be conceded that the application of that principle is as desirable between the states and the Federal Government as between a state and its cities.

If one turns from the consideration of state-wide prohibition to prohibition by local option, it will be seen that it is free from many of the objections which may be urged against the former. Its strong point is that it bases the law definitely on public sentiment in each locality concerned. Wherever the principle has been rigorously followed of making the local option district correspond to the division of local government upon which enforcement must depend, the policy has been successful. In counties which are practically rural the district may be successfully based on county lines. However, local option by counties may be open to some of the objections to state prohibition. Counties containing cities of considerable size may find that the city votes adversely to suppression, while the country districts vote in favor of it. In such cases if the city vote is overborne by that of the population outside difficulties similar to those which occur when prohibition is forced upon a city by a state law are likely to arise. The county authorities find themselves powerless to enforce the law within the city limits. The city administration will not enforce it because dependent for election upon city votes. Therefore, if the county is adopted as the local option district, it would probably be wiser to provide that in counties containing cities above a certain population a vote to be successful must carry in both the city and country districts. This would avoid the non-enforcement of the law which would almost certainly arise within the cities when carried for no license by the weight of country votes.

The objection to local option as applied to cities on the part of the advocate of the suppression of the liquor traffic is that the larger cities will not vote for prohibition when given an opportunity to do so. This is unquestionably true. No one

fancies that New York, Chicago, Philadelphia, Boston, Cleveland, Cincinnati, Pittsburgh, or any one of dozens of the other greater cities could be brought to abolish the liquor traffic by a vote confined to their own borders. But neither would prohibition forced upon the same cities by outside votes result in anything other than a travesty on law enforcement. Such results we have already seen accompany that policy in the case of cities of even moderate size. So far the larger cities have always exercised their option in regard to the sale of intoxicants whatever the law may have been. On the other hand the majority of the cities in which a state-wide prohibition law can be successfully enforced would vote for prohibition under local option. The experience of Vermont is probably typical. As a prohibition state the law was pretty successfully enforced except in a few of the larger cities where a great deal of illegal selling rendered it more or less of a dead letter. Under the present local option law less than 30 out of 246 cities and towns voted for license last March. There is reason to believe that in Maine, North Dakota and Kansas the results under local option would not be far different. Indeed, one is led almost irresistibly to the conclusion that the actual degree of suppression under a well developed scheme of local option will not be far different from that under state-wide prohibition. It is well to remember also that while none of the large cities could be expected to vote for total suppression that the principle of local option can be extended to districts within the city. Such a provision in addition to general city option is highly desirable.

What, then, is the value of state prohibition and local option as solutions of the drink problem and what are their effects upon city government? In this connection there are some questions which cannot definitely be answered. Under local option and, in cities where public sentiment is strongly against the saloon, under state prohibition the open saloon is abolished, public drinking is suppressed and the total amount of liquor consumed is doubtless greatly reduced.

Neither prohibition nor local option has prevented the private use of intoxicants and it is impossible to say to what extent the former public drinker continues to gratify his appetite by pur-

chases for home consumption. In most instances where saloons are abolished druggists attempt to supply the demand by illegal sales and this is an evil difficult to suppress. In North Dakota the rigorous policy has been adopted of giving to the people of cities the right to refuse permits to druggists, with the result that, in many places, intoxicants cannot be purchased of druggists for any purpose.

Under a policy of suppression it is clear that the liquor which continues to be consumed is of the more highly intoxicating kinds—distilled liquor taking the place of malt drinks. As to the effect of suppression upon drunkenness and alcoholism there is a wide difference of opinion. Upon those points statistics are unreliable and accurate conclusions cannot be drawn. However, the weight of opinion seems to support the view that both are materially decreased.

It is in the matter of political influence of the liquor traffic that suppression has its most marked results. The destruction of the open saloon removes the local centers through which the organized trade is able to bring its most powerful influence to bear upon city governments. The voting strength of those who favor the saloon in a sense remains, but it is without organization and definite direction. There can be no doubt that the total suppression of the saloon when supported by public sentiment comes as near removing the liquor question from politics as is possible so long as there is any considerable number of people who desire intoxicants and such drinks are manufactured at all.

The conclusion reached from the discussion thus far is that the first step in dealing with the liquor traffic should be to give to each city the right to decide for or against the
Regulation saloon. But it is clear that as yet local option is not a complete solution of the problem. It may prove to be so for many cities of moderate size, but the larger places are still beyond its influence except in so far as local option districts are created within the cities themselves. For the latter class of cities some system of regulation is the only alternative. And here, it must be confessed, the problem reaches its greatest complexity. The questions involved are so numerous that the

limits of this paper will not permit a detailed discussion. Neither is there any body of accurate information available upon which to base a complete system. The most that can now be done is to indicate the purposes which regulation is designed to accomplish, to point out a few things in regard to which there is a considerable degree of unanimity, and finally to suggest certain other measures which commend themselves to the writer.

The objects of regulation should be to prevent or minimize intemperance, promote order, prevent crime, protect the morals of the community and keep the traffic from exerting an undue political influence. The latter is one of the most difficult tasks which regulation is called upon to accomplish, for in that respect it is expected to prevent something of which it is one of the most fruitful causes.

Among the questions regarding regulation as to which there is little difference of opinion the desirability of limiting the number of licenses stands easily first. The expressions of opinion upon that point and the testimony of experience are almost wholly in its favor. One of its most obvious results is the greater ease of controlling and supervising the retail trade. With no restriction upon the multiplication of saloons the local authorities are likely to find it extremely difficult to keep watch upon all the licensed places. Restriction in number also has the effect of raising the character of the individual saloon. With a limited number of licenses the business is likely to be better conducted because each license becomes more valuable and the fear of revocation is thus a more serious matter to the licensee. The greater profitableness of the trade also removes a temptation, always present to the saloonkeeper under unrestricted competition, to add to slender profits by going into partnership with the social evil.

But one of the most marked effects of limiting the number of licenses is upon the political power of the trade. In this respect the expedient operates favorably in two ways. The simple reduction in the number of saloons leaves fewer places from which political influence may radiate and decreases the number of persons having a definite financial interest in the business. The trade is thus deprived of a portion of its influence derived from

the saloon as a local center, and at the same time it loses a part of its organizing and fighting force because there are fewer saloon-keepers. In the second place the higher class saloon which is the result of limiting the number wields less political influence than the cheaper and less reputable place which it supplants. Attention has previously been called to the disproportionate political influence of the low saloon. Limiting the number of licenses appears to be one of the most effective methods of getting rid of this evil.

The number of licenses in proportion to population cannot be fixed at a figure suitable for all cities. Each city should adjust the ratio in accordance with local conditions. In principle it would seem that the figure should be placed as low as possible without causing such inconvenience as to encourage illicit sales.

Another principle of regulation which seems to meet with general approval is that of excluding the saloon from certain districts. The sections most commonly agreed upon are strictly residence districts and the neighborhood of schools, churches, and parks. Indeed the tendency is to confine the saloon more and more to the business sections. This is usually accomplished by permitting residence districts to exclude dram shops by means of petition or through the requirement of consents. A few cities, notably Nashville and Minneapolis, set definite limits beyond which the saloon may not go. In some cases there is ward option. In general there seems to be no good reason why local option by wards or by smaller voting districts should not be more generally adopted. In Chicago, in addition to consent laws and prohibition territory which the city inherited from annexed villages, the city council has the authority to create prohibition districts and has exercised its power to do so. This again is an expedient worthy of imitation. The chief argument for setting limits to saloon territory within the city is that it makes for good order and facilitates control.

That the selling of liquor should be conducted as openly as any other business is quite generally conceded. The removal of obstructions at windows and doors should be insisted upon. In fact many reputable liquor dealers argue that from the standpoint of the trade itself the removal of screens is desirable.

There remain to be considered, briefly, certain measures of regulation in regard to which there is not such general agreement, and, unfortunately for the construction of a general policy, these involve some of the most vital phases of the question. The more important of these are the nature of the licensing authorities, license fees or taxation, Sunday closing and the power of control to be given to city authorities.

There is not complete agreement among the advocates of regulation that any system of licensing is desirable. Many prefer instead a fixed tax to be paid by all who engage in the trade with no other restriction upon entering the business. There is no doubt that it is difficult to construct a licensing authority which will not be susceptible to political influence. On the other hand the plan of fixed taxation cannot readily be used in connection with other desirable measures of control, e. g., limitation in the number of saloons. For that reason, in spite of the dangers which beset a licensing system, it seems preferable to the uniform tax. In any plan of control through license the manner of constituting the licensing authority should be worked out with the utmost care. It would seem best to make it an independent authority in order to avoid burdening officers elected for other purposes with duties not pertaining to their office and to remove from them the temptation of using their licensing authority to further their political ambitions.

As regards the amount of license fee or tax to be exacted there is a wide difference of opinion although high license is rapidly coming to be the prevailing type. So long as city authorities and the people in general regard high license as predominantly a method of control and not as a means of raising revenue little objection can be offered to it. However, there is always the danger that the profitableness of the saloon as a revenue producer will blind both the authorities and the taxpayers to its shortcomings. The situation in Chicago may be taken as a case in point. The license fee was raised from \$500 to \$1000 for the sole purpose of increasing the city revenue. At the present time about one-fifth of the total local revenue and one-third of the revenue of the city corporate is derived from saloon-license

fees. There is a serious question as to whether there is not created by that situation an interest favorable to the saloon on the part of the taxpayer which may operate to prevent desirable regulation and control. High license in connection with decided limitations as to number is not so open to objection upon these grounds.

The whole question of the relation of liquor taxation to city finances is one deserving a most careful and exhaustive investigation. Until that has been done it will be impossible to speak with authority upon the points just discussed.

The power of the city to control the liquor traffic within its borders is a matter of great importance. It involves the two great questions of the right and duty of the state to legislate and enforce its laws in the interest of the whole people as against the city claim of local autonomy. In general the powers of the city in this respect are not wide. Owing to the well known disposition of cities toward liberal tendencies the state governments have been strongly inclined to make most of the provisions for the regulation of the liquor traffic. Even in the case of the few cities which have been given broad powers over the traffic the legislature has usually pretty fully preempted the field with legislation. Some of the state regulations are demanded by the state at large; many are of such a nature that they had far better be left to the local authorities. This state interference is offset by the cities through the power of local administration of state laws. The resulting situation is often far from desirable.

It seems clear that if state legislatures are to continue to legislate for the cities upon this question there should be provided some means of state enforcement. Direct enforcement of liquor laws by state police has not proved practicable. Whether any better results could be attained by local enforcement under strong central administrative supervision is a question which cannot definitely be answered. There can be no doubt that unless state enforcement can be made effective the entire situation should be turned over to the city authorities so that there may, at least, be harmony between law and practice. The recent experience of Chicago with Sunday closing is a striking

example of unenforced state liquor legislation. The spectacle of one jury after another refusing to convict in the face of the plainest evidence is not attractive. A high regard for the sanctity of law is especially necessary if life is to be tolerable under urban conditions. The present state of much of our liquor legislation is productive of anything but a law-abiding spirit.

In conclusion it may be well to remember that there are many things which are contributing to the solution of the liquor problem which were not designed especially for that purpose. The conditions under which much of our present city life is lived and especially the nature and environment of labor have the saloon and drink as their natural accompaniment. High types of men and women cannot be produced amid such surroundings. The fact needs to be faced that the drink problem may be as much a result of the conditions under which men live and labor as it is the cause of the misery which seems to flow from it alone. The shortening of the hours of labor, improved dwellings, more attractive and sanitary surroundings amid which to work, easily accessible libraries, parks, playgrounds, gymnasiums and baths—and even a better knowledge of cookery—all are contributing their share to the solution of the drink problem. Many men drink today because physically and mentally they feel the need of artificial stimulus. Others frequent the saloon because it is a social center and relatively an attractive place. With the possibility of a more nearly normal life and with places of superior attractions where men may indulge in virile pastimes the saloon will lose at least a part of its patronage.

Banquet to the Members and Delegates of the National Municipal League and the American Civic Association, held at the Hotel Schenley.

Thursday Evening, November 19, 1908, 7.30 p. m.

The usual banquet in honor of the National Municipal League and American Civic Association was held at the Hotel Schenley on Thursday evening, November 19, the Hon. George W. Guthrie, Mayor of Pittsburgh, presiding.

MAYOR GUTHRIE: *Ladies and Gentlemen:* It is my very pleasant duty, on behalf of the various committees having charge of this meeting and these gatherings, to say to our guests that it has been a great pleasure to us to have them with us on this occasion, and also, on behalf of the people of Pittsburgh to say to the various speakers that there is no feeling among us that anything that has been said in way of criticism has any other purpose than a kindly desire to benefit us and all other cities. [Applause.] I do not think there is in the minds of any of the people of Pittsburgh any feeling except that of gratitude to those who have pointed out to us things to be corrected and which we can hope to correct. For ourselves, permit me to say to you we are aware here that the Pittsburgh Survey was made not in any spirit of unkindly criticism, to Pittsburgh, but because those having it in charge and we believed that what could be shown here was simply typical of all the cities of the United States under similar conditions. What was wrong we wanted to know, and I am glad to say that many of the things for which we deserved criticism and which were referred to in this report have already, by reason of that, become things of the past. [Applause.] Old Tammany Hall and Yellow Row for instance are no longer blotches on our fair city. They are matters of history and regret. It is with this spirit that we have heard these things, and we have laid them to our hearts with the promise that what has not been corrected for want of time will be corrected in the near future. [Applause.]

Accomplished Results

Now, I know that as chairman of the meeting I am not expected to make any long address, but I want to tell you a tradition—a story which

some of you have heard before, because I have told it before; but it comes aptly to point a moral; and as some of you may not have heard of it and others of you may not have thought of it in connection with this moral which I want to point out I will repeat it. There is a story that in the long past when an arrogant organization, rich with the ill-gotten plunder taken from a subject people and arrogant from long years of uninterrupted rule, determined to remove from their midst a reformer named Daniel, who by his persistence had become annoying to them, they proposed to give a dinner to the lions at which he should be served as the "piece de resistance." When the dinner was served and Daniel looked at the lions, hungry and anxious for the banquet, tradition tells us that he said "Well, at least this I have to be thankful for. There will be no after dinner speeches after this banquet. [Laughter.] Now, the moral which I want to point out to you is this: You cannot remove from the pathway of the wrongdoer a reformer who can welcome death willingly, when he feels that his death will aid, in some small way, in the uplift of humanity and the relief of the world. And I might also point out to you too how unwise Daniel was with all his wisdom in supposing that he could even by his death change a social custom deeply seated in social usage and supported by the "best" people of the country.

Now, the reforms for which Daniel was working continued even after that dinner; he did not die on that occasion, but when he did die the race of reformers did not cease; they have gone on during

The Race of Reformers

all the centuries still and persist in their pernicious habits of trying to make things better, so I have been frequently told; and somehow or other it don't seem to make any difference with them when they are told by those to be reformed that "you don't understand these things. You have not been trained and educated in the capacity and in the science of governing people; you ought not to undertake it or attempt to interfere with those who have had practical experience."

Well, as we look along the pages of history, we find the same objections to all reformers.

King John told the barons of England "You don't know how to govern a kingdom. You must not interfere with the kingly right and the kingly prerogative, and the king of England."

And yet the charter which the English barons got signed at Runnymede has continued to be a blessing to that portion of mankind who have enjoyed the rights and privileges of the common law of England for all the years which have passed since.

Charles I thought that it was a great piece of presumption for a tanner to undertake to displace him who had been born blessed with the divine right of kings to misrule and misgovern England as he saw fit and assume to govern in his stead. But Cromwell went ahead and the head which had been anointed with the consecrating oil which Shakespeare tells us

King Henry thought that all the rough waters of the Red Sea could not wash off, fell, and the reform took place and the foundation of democratic government in England was laid.

And when a little German princeling called William of Orange crowded James II, who was also, as you remember, ruling by divine right, out of England it was asserted that he could not govern England because he had not been trained and qualified according to custom, but he came with an honest purpose to do right, and he built the second story of democratic England.

And when Peel, who did not know anything about the queen's wardrobe—and according to all rules of social life—ought not to have attempted to interfere with its regulation, told the queen that she must dismiss the ladies of the bed chamber or he would resign as premier; and although many good people who believed, as some of them still believe, in the sanctity of royal rule, were shocked at the presumption of a mere commoner undertaking to interfere with such a matter, the queen with her gracious common sense yielded to the demands, and the roof was spread over democratic England; and democracy has ever since ruled and grown stronger there.

And somehow or other, all this was done, not by those who have held power and misused it, but by those pernicious reformers who, although untrained in practical politics were blessed with a sense of right and believed in the right of the people to govern themselves and to get for themselves those blessings which good government should give them.

And they and the people got what was their right and they will get it in the future as in the past. Sometimes the thing seems hopeless to people who do not look at the past. Sometimes the uplift seems slow. But as the tides of the ocean follow the moon, so the life of the people rises higher and always higher at the call of right and justice and truth; and it will continue to do so forever.

You and I will go away. Today the reformer may fail in what he seeks to accomplish, but the warfare of the people for right and truth and justice always has been won in the end and always will be.

Now, pardon me a moment. Mr. Jones handed me this poem; I don't know who the author is, but he tells me it was written and read at one of the banquets of the Sons of the Revolution, and he asked me to read it to you, and it is so appropriate that I am going to ask your attention.

"Men of thought, be up and stirring, night and day!
Sow the seed; withdraw the curtain. Clear the way!
Men of action, aid and cheer them as you may!
There is a fount about to stream; there is a light about to beam;
There is a warmth about to glow; there is a flower about to blow;
There is a midnight darkness changing into gray.
Men of thought and men of action clear the way!

Once the welcome light has broken, who shall say the unimagined glory of today.

What of evil perish in its ray. Aid its dawning, tongue and pen

Aid it, hope of honest men. Aid it paper; aid it type!

Aid it for the hour is ripe and our earnest must not slacken into play!

Men of thought, men of action, clear the way!

Lo, a cloud is about to banish from the day,

And the right's about to conquer. Clear the way!

And arise to crumble into clay with that light shall many men enter

smiling at the door with that many other great and small

That for ages long have held us, for their prey.

Men of thought, men of action clear the way."

[Applause.]

We must not expect things too quickly. Always there must be the seedtime; always there must be the time of cultivation before the crop is ready for the barn. Always before the flower, is the planting of the seed. As some one has well said "First the word, before it blossoms into the deathless deed." And so it will be. You and I may be but the seed. It may be for others to gather the harvest; but the harvest will in the end be the uplift of humanity—the building up of a noble, honest manhood and womanhood that will glorify this nation. And to that work we of the cities of this country must give the best we have within us, for upon us rests the responsibility.

Ladies and gentlemen, I now have the pleasure of introducing the toastmaster of the evening, an able lawyer and one who has been earnest and faithful in the work of reform in this city, one who has done much and to whom we all owe much, A. Leo Weil, Esq. [Applause.]

MR. A. LEO WEIL: *Ladies and Gentlemen:* The toastmaster is supposed to be simply a punctuation mark, a dash, if you will, connecting the audience with the speakers, and if the toastmaster consumes too much time he is likely to be represented in the minds of the audience by a double dash. [Laughter and applause.]

This is the age of rule. We look for an immutable rule in all things. We seek to solve and settle even civilization's progress by rule. And yet
 The Age of Rule we know that every nation and every age has had
 its own peculiar changes, referable to no fixed rule,
 but to its own impulses and conditions.

As has been well said:

"One after the other the great and influential races have appeared on the theater of the world, manifested each its own peculiar and inscrutable impulse, pursued its own distinctive ideal, struggled for its own form of dominion, marked the course of human destiny with the seal of its special trait, and passed through contact into new forms or disappeared from view. The permanent impressions left by races passed away are styled

by the philosophers truth; the aspiration of the living, and militant race, is styled progress."

If this aspiration which we style progress, is in reality progress, then so long as such aspirations continue, the nation will continue. This aspiration does not spring full armed into being. It is the consensus of the morality and the intelligence of the people. Usually it has its three ages, first, the theoretical or ideal; second, the sentimental or emotional, and, third, the practical or universal. It begins with a few, converts more and more until finally it is accepted, as of course, by all.

After an era of extraordinary urban growth it became more and more manifest that the aspirations and ideals of our city administrations were becoming lower and lower, tainting and affecting our whole body politic.

There were gathered together in our cities ever increasingly larger numbers of individuals, of different peoples, with their varying racial impulses, so affected by materialistic influences that moral and ethical considerations were for the time being submerged, and from this there arose "the problem of the city," a problem which alarmed the thoughtful and the patriotic.

The dominant aspiration of these urban aggregations which was fast becoming the dominant aspiration of the whole people, in city, county, state and nation, must be changed if it was to bear the name of progress, and the nation was to continue.

Men with consciences keen and natures quick to observe evil and to resent wrong, gathered to consider these conditions and they organized

The National Municipal League

the National Municipal League. They were earnest, intellectual men. The prevailing key of their deliberations was minor, the motif despair. But they persevered. Some time after the American Civic Association was organized and was to municipal living conditions what the National Municipal League was to municipal political conditions. The League sought to improve the laws and the administration, the Association to improve the living conditions. Unmindful alike of sneer and vituperation, surviving even the deadly complacency of the well-meaning but apathetic, these brave, true men, though at times it seemed as if they were only singing in the wilderness, persevered in their self-appointed task until today we may say they have passed through the theoretical and the ideal, and the sentimental and emotional stages, and are entering upon the practical and universal stage. Does not this convention just closing show this?

Those who have followed the proceedings, and particularly those who have had the pleasure of listening to that wonderful résumé of "American Municipal Tendencies" by the able and energetic Secretary, the Honorable Clinton Rogers Woodruff, must have been impressed with the aggregate of accomplishment.

The work of the League and of the Association should not be measured

so much by concrete examples, though many could be given, such as the influence of its municipal program in the charter of cities and the constitution of states, the fact that over ninety cities now report in accordance with the uniform system of accounting recommended by the League, the improvement in city living conditions, brought about by the Civic Association, and other specific advances, the mere enumeration whereof would be beyond the limits of my time.

The main, the great work of both the Municipal League and the Civic Association has been not only the coördination of all societies and associations working for municipal betterment, but the

Coördination coördination of individuals, as well, and the creation and stimulation in all such of high municipal ideals.

Few are they today who do not concede without argument the principles for which these organizations stand and recognize the necessity and advantages of the movements and improvements they urge. So general has this sentiment become, that we may, without being charged with unreasonable optimism, claim that they have reached the universal age of the movement, the practical age. If this be true, then misgovernment is doomed. No force or forces of evil can long stand before an awakened and aroused public conscience, an universal public sentiment, demanding men of ability and integrity in municipal office administering the city's affairs for the city's good.

Every great moral movement has had its three ages. History shows this. No such movement can possibly fail after it has passed from the ideal through the emotional into the universal and practical age. To endure so long, it must represent a great moral truth, and a great moral truth cannot die.

It is our duty, and it ought to be our pleasure, as it is our privilege, to speed these movements to their universal acceptance and adoption, pushing aside parties, persons and practices that stand in their way.

I had noted a great deal more to which I desired to call your attention with reference to this organization, but my friend has placed in front of me his watch, which he informed me was a time watch and that it would ring off at a certain moment, and I don't want to hear that ring. I am therefore going to cut out all of the pretty things that I had prepared to say. The toastmaster at any rate is the only one who can talk as long as he pleases. If I talk any longer I shall even violate that. However, when the eagle is about lesser birds should keep quiet.

And we have with us tonight those to whom you will no doubt listen with great pleasure.

We need in this country above all things men of means, men of position, men whose patriotism induces them to accept office and to perform their duties for their love of country and their love of work. The first speaker of the evening is such a man. He has devoted years and years

to a subject from which all of you and all of us will reap the benefits for years and generations to come. As the head of the forestry bureau he has accomplished great things. He proposes to accomplish still greater with the assistance and the following that his magnificent abilities have secured in this direction. [Applause.] He is going to talk to you on the subject of conservation and common sense. Naturally you would inquire "Is there any necessity for anybody talking on this subject of conservation and common sense. We all know about that." But some of us have found, especially in our cities within the last few months that even a subject so well and frequently discussed as the ten commandments is sometimes forgotten. This gentleman represents in every way the American Civic Association whose spokesman he is tonight. He is the very apotheosis of their work, the incarnation of what they are doing for the beautifying, the preservation and the perfection of our cities. Ladies and gentlemen, I have the greatest pleasure in introducing to you Hon. Gifford Pinchot, chairman of the National Conservation Commission of our federal government. [Applause.]

HON. GIFFORD PINCHOT: *Ladies and Gentlemen:* I think I violate no confidence when I tell you that most of what your toastmaster has been good enough to say about me is not so. I appreciate it deeply nevertheless, and I owe him a grudge because, if I may aspire to any title, I should like to be known as the most hopeful of Americans, and I cannot have that title while he is in the room. [Laughter.]

I believe in this great country of ours. Every time I cross the continent—and my work calls me to cross it many times a year—I am impressed anew with the tremendous vigor of our people, their marvelous effectiveness, and above all with the prodigious quantity of well-being that is found within our borders, with the many happy and prosperous people, good homes, clean villages, fairly good cities and all the things of which we, more than any other nation on the earth, have a right to be proud. I would give little for an American who was not proud of his country, and I would give very little indeed for the perceptive power of a man who could not see that this is a country to be proud of.

With all possible emphasis laid on that side of the picture, and with the understanding that the right American point of view is the hopeful view, and that we shall somehow secure and realize our future, there still remain certain fundamental things for us to think about and to accomplish in the way of assuring the proper development of this country. We have not been as wise in some things as we have in others.

The ladies who have been good enough to grace this occasion with their presence will forgive me perhaps if I allow an illustration which has passed through my mind to pass through my lips. One of the most charming and attractive of her sex once upon a time got married, as some of them have a habit of doing—not a confirmed habit, I hasten to add. After the

honeymoon was over and serious housekeeping had begun the husband came back one day evidently with something on his mind and evidently, too, a little doubtful about mentioning it. Finally, after dinner he summoned up courage and said to her "My dear, the cashier of the bank has told me today that your account is overdrawn. I am exceedingly sorry about that; you know it is something that ought not to happen." His wife looked puzzled for a moment, shook her head violently, left the room and came back in a minute flourishing a check book. Said she: "What that horrid cashier said is not true. Nearly half of the checks in my book are still left." [Laughter.]

Now Miss Columbia, who takes care of us all, has done just exactly that same thing. Her account is badly overdrawn and it has not been balanced for a long time—never, in fact, since this land of ours was first deposited.

The National Conservation Commission has undertaken to find out what our balance is in the great national resources of the country, how much coal we have, how much iron, how much water, whether our soils are increasing or decreasing in fertility; what the loss from fire is; what the avoidable loss is in money, and in lives from preventable diseases.

We are trying to find out exactly what is the balance in bank of the United States of America. In pursuance of that task we have come across enormous waste. We find bad housekeeping on the part of Miss Columbia to a very reprehensible degree. We find that this good country of ours has been allowing \$50,000,000 worth of timber to burn up every year for the last thirty years; and about as much coal has been left in the mines forever inaccessible as ever has been taken out; that perhaps the largest tax that is paid anywhere in the country is the tax that the farmer pays for the loss of fertility to his soil by erosion; that the flood loss runs from fifty to two hundred and fifty million dollars a year; that the cost to the country of preventable diseases runs annually into many hundreds of millions; and that here, there, and everywhere is prodigious and unjustified waste. And all this time we have been drawing check after check against a balance that we did not know the amount of, but concerning which the only thing we did know was that it was a limited balance. We use, for example, three times as much timber as is grown. Point by point we have passed through the usual course of a new nation, feeling that our resources were inexhaustible and that whatever we did there would always be plenty left for those who came afterwards. Now a course like that cannot go on indefinitely. There must come an end to it sometime.

We are about to undertake now, on the basis of the progress already made, the most gigantic development that any race has approached in all the history of the world. We have the promise of a future greater than anyone can describe, undoubtedly far greater than anyone can even imagine, and we have the key to that future in our hands now. We can-

discount the future, exhaust our balance, and destroy the prosperity of those who are coming after us, or we can take the common-sense point of view and prepare as a nation for the future exactly as any one of us would, the head of a family, for the things that we know are coming.

The central idea of conservation is foresight. The central quality of a good business man is foresight. The central quality of a man worthy to be called a statesman is foresight. And the time

Foresight is very close at hand when the essential quality of any
Demanded great nation will be foresight. It has not come yet, but it is coming soon.

Now the principle of the conservation of our natural resources, this foresight principle, may be translated into another form of words, for it applies not merely to our natural resources but to all the work of the American Civic Association and the National Municipal League and all other similar associations that are conferring so great a benefit on this country. The spirit of conservation is the use of common sense for the common good. It is the application of the ordinary every-day virtues which protect us in private life to the great problems which confront national life. Like all great conceptions, it is essentially simple and essentially obvious. By and by the only thing that we shall be surprised about concerning it is that it was not applied long before.

We have been handling some very big problems in this country, and we have been handling them with marvelous success.

They are big, and they look big to us now. But the accomplishments to which we are verging will make them look exceedingly small. The Panama Canal will do a great deal for this country. It ought to do a tremendous deal for Pittsburgh, but the benefits which the Panama Canal will confer on the United States will literally sink into insignificance as compared with the benefits which may be conferred by a wise system of inland waterway development. [Applause.] When you have a nine-foot stage from here to New Orleans it will open to you the markets of the world in a degree that will far surpass anything that the Panama Canal can do for you. [Applause.]

The reclamation of the arid lands in the West has been a great thing for this country, it is destined to confer still vaster benefits upon us. But the reclamation of all the arid land will be a small thing compared to the benefits that will follow when we get the conception, and act upon it, that the water powers of the United States are for the benefit of all the people and that they must all be developed for the use and profit of us all. [Applause.]

When the Mayor spoke a little while ago about Daniel I could not help thinking of what was said by a little tot, who had been taught to be kind to animals, when the story was related to her. She was discovered wiping her eyes and when she was asked what she was crying about she said: "Those poor lions didn't get to eat any of Daniel." [Laughter.] Now a great many towns and a great many regions in this country have been fed

to the lions of public service corporations. [Applause.] My judgment is that these Daniels were too good for lion's meat, which is what they were used for, and that hereafter we shall come to the conception that the object of a public service corporation is public service, and not merely the pecuniary advantage of the men who got it up. [Applause.] And we shall come to understand that the water powers of the United States belong to the

The Water Powers of America

people of the United States, and that the great trusts which are now forming to take possession of this greatest of all sources of power must not be allowed to become an uncontrolled monopoly, but that the principal benefit must go to the people, who are the owners of the property, and not to men whose only interest is to exploit people and property alike. There is no other possible trust that will compare in oppressiveness, in control of the life of the ordinary man, with the water power trust. That trust is now being consolidated, and one of the two or three greatest fights now before the administration of President Roosevelt is to prevent the grants of water power to private corporations being made in such a way as to remove those corporations from the possibility of public control. [Applause.] The President will win that fight, as he has the habit of winning a good many other fights, and I suspect that his opponents once more will be beaten to a frazzle. [Applause.]

Why is it that the common-sense point of view does not obtain in these matters? Why is it that so many men are affrighted by the proposition that we should develop our waterways, that we should take control of our water power, that we should use common-sense for the common good in all these things? It seems to me, as I trust it seems to you, a perfectly simple proposition. What is a good business proposition if viewed from the light of a private individual, may also be a good proposition if viewed from the light of the nation. The nation itself has as much right to make a good investment in waterways as a private company would have to make a good investment in a canal. [Applause.]

But there seems to be an obstacle. A friend of mine was traveling in a sleeping car one night and an Irish nurse occupying an upper berth began about one o'clock in the morning to exclaim at intervals of four or five seconds, "Oh, Lord, but I'm dry! Oh, Lord, but I'm dry!" My friend having found it utterly impossible to sleep, went to the end of the car and got her a glass of water. He was just dropping off when he heard "Oh, Lord, but I was dry! Oh, Lord, but I was dry!" Now there is a type of mind which refuses to accept a change in circumstances. [Laughter.] Because we never have had waterway development is a good reason to that type of mind why we should never have it. Because we have never had an Appalachian National Forest is a good reason why we never should have one. I take it that eventually the common-sense of the American people will adjust these matters and that because a plan is big, because it will pay, even though it will cost something to carry it out, and because its benefits in the end will be tremendous, will be accepted as good reasons

for doing it and not good reasons for doing nothing. We are coming after a while to this conception, that it is a fair thing for the people of a country like ours, consciously and purposefully to seek for national efficiency, municipal efficiency, state efficiency, efficiency in every single one of the relations of life, that we may fairly as a nation take account of waste and stop it, that we may see a benefit and grasp it; in a word, that we may apply ordinary Anglo-Saxon common-sense for the good of us all and when that comes we shall march forward under the banner of common-sense to a degree of national efficiency that will be a new thing in the world. I thank you. [Applause.]

THE TOASTMASTER: I have transposed the second and the third speeches and the gentleman whom I am about to introduce is a lawyer. He has been counsel and adviser to a great many committees of a great many organizations having to do with municipal work and municipal reform. In fact he is a gentleman who not only gives advice but also does things. But on the subject of his advice it was said of him that he once had an office boy who meeting another office boy was inquired of by him how much he got and he said "ten thousand dollars a year."

**An Active
Reformer**

"What, ten thousand dollars a year?" "Yes" he said "ten thousand dollars a year?" "Go along with you." "Well" he says, "I only get four dollars a week in money but I get the balance in legal advice." [Laughter.] Now, if you knew the long list of committees and so forth on which this gentleman has served you will understand that. Beginning with the organization in 1881 in Brooklyn, N. Y., of "The Brooklyn Young Republican Club" which was the first political organization active in political campaigns, partisan in national politics and independent in municipal politics he has been founder and a member of numerous other clubs and associations for civic betterment and has always been on the fighting committees.

He is a member of the executive committee of the New York Civil Service Association and one of the Council of the National Civil Service Reform League; he was counsel to the committee of the New York State Senate that investigated the administration of the civil service law of that state. It was largely the investigation made by that committee that brought about the adoption of the civil service provision in the constitution of the State of New York and it was the civil service law drafted by that committee which became the basis of the present civil service law of the State of New York.

He was one of the founders of the National Municipal League, and he was chairman of that special committee which reported the municipal program which has been used by every constitutional and charter convention since. He has done all these things and he has done more, and he is therefore qualified to speak to you upon the subject assigned him. But not only has he been one who has given advice but he has always

gone out and helped to do the work. He is like the wife of a man who when her husband telegraphed her "If I don't get home tonight to go to the party don't wait for me" she telegraphed "I will not wait for you I will come for you." [Laughter.] That is the type of man who will now address you on the subject. Some Causes of Bad City Government and Their Remedies. [Applause.] Mr. Deming.

MR. DEMING: *Mr. Chairman:* If Daniel of old carried with him into the den the long string of credentials you have given this audience of me I don't wonder the lions did not make a meal of him. He must have seemed a pretty tough morsel. [Laughter.]

I did not know that my office boy had such a keen appreciation of his advantages. I shall certainly give him some further advice when I go home. [Laughter.]

Every speaker who has preceded me has seemed to wish to present himself as an optimist. Optimism seems to be pretty popular in Pittsburgh since the visit of this association and since the investigation of the Pittsburgh Survey. I suppose it is a sort of reaction, a desire to enjoy one's self under difficulties. [Laughter.] I have been that kind of an optimist very often when I have been considering some of the ills from which the body politic suffers.

If, to be an optimist it is necessary to believe that this is the best of all possible worlds, then I am no optimist. But I do believe that this

is going to be the best world possible, and I think we ought to help to make it so. I have never been able to understand why one should take much credit to himself for financial ability because somebody else struck oil on his farm. [Laughter.] I have never quite understood why the various political parties and the various political speakers and the various other speakers in this country have assumed so much credit for the country's prosperity when as a matter of fact we have been exploiting the oil that Providence put on our farm, and we have not put one single bucket of oil into it. I think it is time both in a business and economic sense and in a social and moral sense, that we awakened to the fact that we have been given by God Almighty the biggest opportunity to be the best and happiest people and to be the best governed people in the world, and that we ought to stop talking boastfully about how much money we make out of the ore or coal or iron or forests or precious metals or the fertile soil with which not our own efforts but Providence has blessed us and to begin to use these blessings in a manner worthy of men that were made in the image of God. [Applause.]

That was a fine saying of my predecessor,—“common-sense for the common good.” It sets up a standard for the action of every civic body, for the civic work of every individual. I am going to ask you to apply a little of it, common-sense, I mean—at least so much of it as there happens

to be present here tonight [laughter] to the consideration of the topic assigned me.

Civil government is not a divine institution. There is not a tinge of the divine element in government. There is absolutely no particular reason why we should be reverential in our attitude towards government. It is a human contrivance gotten up by human beings, managed by human beings—presumably for the common good; and its methods are the methods that human beings from time to time adopt. Government is just as much a human institution as a steel mill.

Government
a Human
Institution

I never knew a successful steel man who hesitated to scrap any machinery that would not work efficiently or who hesitated to replace any old method by a new one if the new one was better; or who thought that it was any indication of the common-sense and foresight of a rival to keep on using poor machinery; or who respected the prudence and foresight of anyone who inherited a business from his father or grandfather and out of reverence for his father's or grandfather's memory went on in the same good old way until the business disappeared. [Laughter.] Yet that is just the kind of way in which our city governments have been run. It was a bad old way, to quote the words of the chairman,—and I am always glad to quote his words—it was a dashed, dashed bad old way.

I suppose that invective is necessary sometimes, and I suppose that it does good sometimes to stir up the muck, but it has seemed to the National Municipal League that invective should be an evidence of its users discernment rather than of his enjoyment in using a vituperative vocabulary. [Laughter.] The National Municipal League was organized to do constructive work, not to depict, however eloquently, the evils of bad city government. Oh, it is so easy to do that, and the temptation is so great if you live in a city, and especially when you get away from your own city and have a chance at another. [Laughter.] What a beautiful picture in dark colors—that is natural of Pittsburgh—one could make of this prosperous city of yours if one wanted to do it. [Laughter.]

The National Municipal League conducted an investigation at first hand in all the leading cities of this country. It did not send out questions to the mayor and other city officials and ask their opinions of their own town. It did not send out questions to the controller and ask the condition of the city's finances. It picked out well informed persons living in these cities and asked them to make reports on certain matters. When it got those reports it put them all together and arranged the answers in comparable form and certain facts stood out so clearly that those whose business it was to study these reports were simply amazed to find that the fundamental causes of bad city government were the same everywhere; and that not the slightest praise was deserved for the display of any intellectual capacity in discovering them. It would have been such a comfort to one's intellectual vanity to find that the causes of our municipal

ills were obscure. Some physicians understand that element in human nature and do not deprive a patient of the consolation of thinking that his ailment is something quite peculiar. [Laughter.] Well there is nothing peculiar about the main causes of our municipal ailments. They are absolutely plain and simple and so are the remedies.

The first cause of the misrule of our cities is that they are governed not by the people of the city but by outsiders, and that the policy according to which the public affairs of a city are conducted is not determined by and suited to the needs of the people of the city, but is determined by the selfish interests of these outsiders. The second one is that nine-tenths of the activities of a city government are absorbed in business transactions, pure and simple; that common-sense principles universally accepted as essential to the successful conduct of business enterprises demand that the persons intrusted with such transactions should be selected solely with reference to their honesty, ability and industry and to their fidelity to the interests of the business; yet in practically every city of the United States they are neither selected nor retained for any such reasons, but because they are useful to and faithful to the interests of the persons who happen to control and can exploit the city's resources. A third fundamental cause of our municipal ailments is that the financial methods and accounts of our cities are haphazard and crude. They are both uninforming and misinforming. The report of a city controller instead of being a document of light and leading is an example of darkness and misleading.

There is no mystery, ladies and gentlemen, about either these causes or their evil results. They are only too shamefully plain. And when I hear grandiloquent talk about the wonderful complexity of city government and that you must expect a city to conduct the public business inefficiently and that a good deal of incidental corruption is to be taken for granted, I wonder how long level-headed business men like those here tonight would listen with patience to that kind of talk as a satisfactory explanation of a like situation in a mill or a factory. Oh, you would say, get somebody with brains to handle the situation, who knows his job. [Laughter.] It is not at all necessary to fly off into the air in order to do reform work. Quite the contrary, it is very steady to keep your feet on the ground no matter how loud you are shouting or waving the American flag—and if the ground happens to be a city pavement let us make the pavement a clean one to walk on. In other words, the business part of city government, and that is nine-tenths of it, must be conducted on the plane of sound, ordinary common-sense business principles. And why shouldn't we put it there?

We don't want a money power government, we are not proud of a water supply that breeds typhoid fever, we really don't think it is necessary that our children should be poisoned with poor milk; we are not inhuman. It does hurt us to know that many of our fellow townsmen live in

hovels; we are not proud of the plague spots in our city, and it is only a bluff when we say we cannot help it. We know better, **The Business** we can help it, and we can help it by the simple **Side of** method of applying a little common sense for the public **Government** good. We cannot stand on tiptoe all the time shouting or working for reform, but we can give a little thought to it. We can give up the bad habit of thinking all the time of our private affairs and of giving none or very little of such intellectual acumen or business ability or personal influence as we have to insisting upon the application in the business side of government of sound common-sense business principles. That is all we need to do. To uproot the spoils from a city's civil service or to install a decent system of city accounts requires merely the application of plain business common sense. That is all. There is no politics in it. There is no particular brains required for it; just look the situation squarely in the face and be square ourselves in our attitude toward it. That is all.

We all know perfectly well that so long as a city's purely administrative service is manned by employees whose primary thought is not the faithful performance of the work for which the city pays them, and so long as its financial methods are so blind and misleading that it is impossible to apply to the conduct of the city's business or the expenditure of the city's money the reasonable standards of cost measured in terms of efficiency which are insisted upon as matters of course in every well run large private business—we all know perfectly well that, so long as we permit these conditions to exist, inefficiency and extravagance, and very often corruption *must* characterize the city government.

I have been talking of the business side of city government. If we put that upon a sound common-sense business basis, why should we bother with the politics of city government? I have heard people say that city government was business and not politics at all. That is one of those nine-tenths truths which leaves plenty of venom in the other tenth and the other tenth poisons the whole. Politics are just as necessary in determining the public policy of a city government as of a state or national government and one of the chief causes of our municipal ills is that the city is governed from without by outsiders not accountable to the people of the city and that its public policy is determined by the interests of these outsiders instead of by the needs and wishes of the city's own citizens. If these things are true, what is the harm? And are they true as a matter of fact? Does any one present question their truth? Are not the majority of the cities of United States the creatures of the state legislature? Does not the state legislature say what kind of a government your city shall have? And if the legislature does not like the sort of government you have, doesn't the legislature change it? Doesn't the

legislature say how long a term your mayor shall have? Doesn't the legislature divide your city government up into departments and does it not go down often into the most minute administrative details even telling you sometimes what you shall pay scrub women on the city's payroll? In New York not very long ago we had to go to the legislature to fix the salary of a bridge tender. [Laughter.]

Broadly speaking, is it not true of city government in the United States, a very few states excepted, that the legislature establishes, disestablishes, reestablishes or abolishes it in any or all of its parts, whether it be a matter of the structural form of the government, the corporate powers it may enjoy, the manner of their exercise, its administrative methods and machinery, the public officials it may have, their duties and powers, which of them shall be elected and which appointed, how the elective officials shall be elected and the appointive officials appointed—but why enumerate further? The blunt truth is that the government of each of our cities is a reflection of the will of the state legislature which, being interpreted, means the will of the person or party that for the time being happens to control the legislature. And does not that mean that the local policy imposed is one that suits the interests of the person or the party which for the time being controls the state legislature? That is the fact. I don't think anyone here will deny it. I rather doubt whether any Pennsylvanian could have the face to deny it. [Laughter.]

Well, what is the harm? Have you ever heard of an instance in history where a locality was governed by an outside authority that the outside authority did not become oppressive? Have you ever heard of any locality governed according to a policy which was not determined by its local needs, whose government was not a failure? If you think any American city government is an exception to that unescapable political law—well, you need not take Pittsburgh as an example, that may be a shining exception, but look around at some of the other cities. Possibly you might come to New York, or if you don't want to go so far stop off at Philadelphia *en route*. [Laughter.]

What is the remedy? The answer is written so large in the history of the English-speaking folk that we who inherit their traditions and value the dearly won liberties that have been handed down to us should hang our heads with shame, if we do not know and apply it. All through English history there has been continual revolt against government

**Government
Accountable
to the People**

superimposed from without; I will make the statement broader, there has been a determined endeavor to make government more and more accountable to more and more of the people governed. That has been the fundamental political fight. That is what Runnymede meant; that was what Magna Charta meant; that was what Cromwell meant, Mr. Chairman. That is what the American Revolution meant. The American Revolution was but

one incident of the struggle to get a government accountable to the people governed.

It is bred in our Anglo-Saxon blood that we want to have something to say about the way we shall be governed. Why, Great Britain cannot govern an English-speaking colony on any other basis. An outside government may be all very well for Egypt and India—though there is beginning to be now some doubt about that—but you cannot govern Canada that way. You cannot govern Australia that way. You cannot govern New Zealand that way. Where there is English blood and wherever there are English traditions the people are trying to make the government accountable to them, and if you want to find the fundamental principles embodying that idea you won't find them any better expressed nor expressed more tersely than in our Declaration of Independence.

Because our forefathers believed in those principles and because a very large section of the English people on the other side of the water sympathized with them—we must not forget that—the colonies won their independence of outside rule. From that time to this the two countries have pursued their several ways, but the dominant political characteristic in the development of both has been this fight for a larger and larger share of self-government. Great Britain, freed from the fear of foreign invasion by the overthrow of Napoleon, blest with profound internal peace—not a battle on British soil since 1685, and that was in Ireland—was able to and did begin to think about her cities as soon as they began really to grow; and in 1835, under the great law passed that year, the Municipal Corporation law of that year, gave the English cities their declaration of independence. And she has been giving them a larger and larger measure of self-government ever since until today the English city, in marked contrast to ours, is an almost completely self-governing community. Is it any wonder that the English cities are in the main well governed? That by contrast with ours they are monuments of successful achievement? In the United States, in constant danger of foreign war during the first period of its existence and invaded more than once, then torn by internal dissensions and threatened with dissolution, devastated by a great civil war, and since then engrossed in the most extraordinary development of material prosperity ever known, not much attention has been paid to the improvement of city government. Men's thoughts have been intent upon something else.

But don't you think it is about time we began to put our minds on our city government? And if we do put our minds on it, is there any better, is there any other remedy for the bad government of our cities than the ancient and approved Anglo-Saxon remedy? Give them self-government. [Applause.] I don't know any good reason why Buffalo should govern New York nor any good reason why New York should govern Buffalo, nor why Buffalo and New York should

**Self-
Government
Essential**

get together to see how they would both like to be governed. But in our state, for example—and you do something of the same sort in Pennsylvania—we call together men from Albany and Buffalo and New York and Syracuse and Utica—there is an insane asylum in Utica—and Elmira, there is a reformatory there—and Sing Sing, there is a prison there—and Auburn, there is another prison there—and so on, through all the cities and we call in men from all the country districts also, to decide how Buffalo shall be governed and how every one of our cities shall be governed. Was there ever anything more arrantly nonsensical? It is like a football game with everybody playing in every direction and the game ending no one knows where or how. The city-governing game never does end, in fact. Doesn't such a method seem—let us be conservative—a little ridiculous?

Pennsylvania is a great state, but the larger part of its wealth and population is in Pittsburgh and in Philadelphia. The economic interests of those cities, the number of their inhabitants as well as the governmental needs created by their community life far exceed those of the rest of the state. The same is true of Buffalo and New York. Yet not one of these cities is allowed to govern itself. This is contrary alike to common sense and to the public good.

Give our cities the necessary power to perform the proper functions of local government. Don't give to them a little power—an inch at a time with a string tied to it and then a little more and then take away the inch you have given them and then give them a yard and then take away a rod and so keep up a state of perpetual confusion. Give cities once for all sufficient power to be genuinely self-governing and let them govern themselves. American citizens are as much entitled to a free government in a city as in the country districts. Give the city a simple form of government that its citizens can understand, center the responsibility and provide simple electoral methods through which full accountability to the people can be enforced. It would carry me far beyond the limit of time assigned me if I should discuss with any

The Importance of Electoral Methods

attempt at completeness the effect for good or ill upon our free institutions of the electoral methods we employ. It is simply impossible to exaggerate their importance, if we really wish responsible government, a government genuinely accountable to us. We cannot govern a city by mass meeting, we have got to govern through a few persons selected for the purpose. Now it is perfectly plain that any method that interferes with our free selection of those few in the first place and with our holding them responsible afterwards is a bad method. It makes no difference who invented the method, or how long it has been in use, or whether it was originally well intended or ill intended, if it does so interfere it should go to the scrap heap. It is plain common sense that we cannot enforce accountability by a method that interferes with it. Business men should not hesitate a moment about discarding it and substituting a better one.

The causes of the misrule of our cities are neither far to seek nor hard to understand. Neither are the remedies. If we do not wish the absurd business methods of our city governments to continue, if we are opposed to the rule of our cities by outsiders, if we do not believe in electoral methods that prevent or dissipate responsibility to the people for the conduct of government we must mend our bad habit of not paying any or paying scarcely any attention to public matters, and put a portion of our business acumen and common sense into fairly and squarely facing the facts and then applying the proper remedies [applause]—that is, unless you prefer the comfort of bad habits to the blessings of good government. [Applause.]

THE TOASTMASTER: *Ladies and Gentlemen:* Do you think that office boy exaggerated the percentage of his salary which he received in good advice? The mayor has requested me to ask you to remain after Mr. Foulke shall have finished his address for a moment, as he has an announcement which he desires to make, which he intended making before.

You remember the revised version of "Mother, may I go out to swim?" is now translated "Mother, may I go out to fly? "Yes, my darling daughter, but if you should drop from above the clouds, come down shipshape sort-a."

Now in the fields above the clouds to which the next speaker will take you, you need have no fear whatever you will not come down right. [Applause.] The subject of his address is "The True Measure of a City's

The Measure of a City's Excellence

Excellence." Does not the mere mention of the title cause a thrill? A city's excellence! How many are there who would not be anxious to speak of their city's excellence. How many are there who are not desirous of speaking of "my city" with the same sentiment that they speak of "my home," "my

family!" You will have the pleasure of listening to the Honorable William Dudley Foulke of Richmond, who will speak to you upon the "True Measure of a City's Excellence." [Applause.]

MR. FOULKE: *Mr. Toastmaster, Ladies and Gentlemen:* I can assure you you will come down safely. You will not go up high enough to be in any danger from the fall. Mr. Chairman, I understood from the reports I saw in the paper, that you were opposed to the granting of perpetual franchises. Yet when I heard you this evening in the speech in which you told us what had been the progress of reform through reformers in the past from the days of the prophet Daniel down to the present time and that it was going to keep on and on until all good things were accomplished, I felt very sure that you were willing to grant a perpetual franchise to the Daniels of reform. I am sure that all these Daniels, both of the masculine and the feminine sex, who are present here must have felt a little astonished when you referred to the den of lions and must have wondered whether the city in which you have been a good

deal more, sir, than the presiding spirit could have been regarded as a den of lions for reformers. [Laughter]. Is that what you would have us believe that Pittsburgh is?

MAYOR GUTHRIE: No personal application.

MR. FOULKE: But I feel very sure that in such a den as that the poor lions would not have anything for supper. Certainly the fact that we are all called upon for after-dinner speeches shows that their repast has been incomplete.

Mr. Toastmaster, you spoke of the three stages of reform. The first, where the ideal was set forth, the next where the appeal was made to sentiment, and the third where it was embodied in practical form. I believe I belong to the primary class and I rather think what I shall say tonight should have been said at the beginning, perhaps at the beginning of the week, because I have nothing to say except what should be ideal for the government of a city.

When statesmen from the legislature or eminent members of civic and commercial organizations visit our various cities, committees representing the local pride of the community take them to see "the sights," the wonderful manufactories with output unequaled in the world; tremendous structures towering twenty, thirty, forty stories high above the narrow canyons below that still go by the name of streets; huge masses of public buildings, some of them perhaps almost as ugly as the mansards and monstrosities of the "late Hayes and early Garfield period," extensive parks, electric light plants, water works and all the other marks of modern "progress." The statistics of wealth and population are brought out to show the immense growth of a decade of prosperity. The city is assumed to be great because it is big in men, money, and buildings and is constantly becoming bigger. Its excellence is gauged by its physical size and strength by its "thews and bulk" without reference to the question whether

"As this temple waxes
The inward service of the mind and soul
Grows wide withal."

Is this material growth the real measure of a city's excellence?

In this as in other things, we need perspective to decide aright. We can not measure the altitude of a mountain if we stand immediately at the foot of the ascent. It is only from a distance, as we

The Need of Perspective

perceive its outlines against the sky and its relations to other objects that we can estimate its real height and character, and tell whether or not it is indeed a prince among its fellows. So it is with cities, and we need here not only the perspective of distance but the perspective of time and history. Let us then go back beyond our own generation and century, and consider which have been in the past the really great cities

of the world and why they have been so, and we shall learn, in the first place, that it is not mere size nor population nor wealth, nor splendor which constitutes true greatness. For neither Babylon, nor Carthage, nor Novgorod, nor Byzantium with all the huge circuit of its walls were really great in the same sense as Athens, Sparta, Jerusalem, Rome, Florence. Who can even remember the capitals of the great empires of Alexander or Genghis Khan or Tamerlane? Whatever temporary glory is conferred by mere population, wealth or power may well perish with the era and the civilization which produced it. With a city as with a man it is only the soul which is immortal. It is true indeed that this spiritual greatness may be embodied in physical form as in the Parthenon of Athens and in the masterpieces of Giotto and Michael-Angelo in Florence. But sometimes, as in the case of Sparta, there are no physical remains at all to testify to the glory of the indomitable spirit, and sometimes all that the artist and artificer have done is less than, the memory of its splendid intellectual and literary achievements.

Socrates, Pericles, Sophocles, Æschylus, Demosthenes, Dante, Petrarch—these names made of Athens and Florence greater cities than even their superb works of art. Athens and Florence had indeed one advantage over any modern municipality. The city itself was supreme. There was no higher sovereignty to withdraw any part of the civic pride of their inhabitants. All the patriotism of the Athenian was given to Athens, all the love of the Florentine to Florence. There was no Greek or Italian nation to which were due a more binding allegiance and a deeper affection. But the fact is none the less true

The Spiritual Elements of a City

today, than in any previous epoch of the world, that it is the spiritual elements of a city—its intellectual and artistic qualities, as with Athens and Florence, its moral qualities, as with Sparta—which constitute its real claim of distinction. When measured by this standard, how will the great commercial or governmental cities of Europe stand today? What will be the place of Liverpool and Birmingham, Glasgow, Barcelona and Marseilles, Madrid, Berlin and St. Petersburg by the side of these historic cities of the past. Even in Paris, the beautiful and wonderful, the climax of its beauty and interest is the embodiment of the great thought of mediæval times in the stones of Notre Dame. I was there during one of the great expositions and after inspecting all that modern progress could do in this most dazzling city I betook myself, day after day, to Notre Dame, and contemplating that superb incarnation of the religious thought of the Middle Ages I said to myself, "this is the crown of all." A city is really great only when some great thought has dwelt within its walls. Its highest excellence is shown in the development of the manhood of its citizens—the development of character. [Applause.]

Clean streets and good drainage are valuable, but only because they make men healthier and happier and give the mind and soul a fuller and

better development. Splendid edifices, statues and paintings are valuable, but only because they promote the appreciation and enjoyment of beauty. A city is made for its citizens, not the citizens for the city. Municipal corruption is very bad, but its worst feature is, not that it wastes money, but that it degrades the conscience of the citizens. There are no higher functions of municipal, as well as of national government, than to stimulate endeavor, to develop character and promote individual happiness. Judged by this standard, our historic Boston and our conservative Philadelphia may really be greater than our colossal New York or our most progressive Chicago. Greater thoughts were born there, greater men have dwelt there and greater deeds have been performed within their precincts.

In this age of materialism and in this land of ours which unhappily is the most materialistic of all, and in this city of Pittsburgh, which represents perhaps the acme of our material progress, is it not time to hark back again to spiritual things and to remind ourselves that all that is material is merely the basis or the accessory of that which is not material at all?

Professor Lamprecht, when he visited the St. Louis exposition, told us that America had indeed a high civilization, but a scanty culture. Some of us were disposed to resent this criticism, yet it is the truth. Germany has no buildings that are forty stories high, she will not tolerate them—but she has the great works of Mommsen, his *Corpus Inscriptionum* and his *Roman History* unequaled in the scholarship of the world. We have had in America great inventors and discoverers, but they are inventors and discoverers of material things. We have had our Fulton and Morse and Howe and Bell and Edison, but of spiritual discoverers in the realms of philosophy and science, of great masters in the domain of literature we have had but few, and as yet no names like those of Shakespeare and Milton, Dante and Goethe, Charles Darwin and Herbert Spencer. Even little Norway had, in Ibsen, a dramatist whom America never equaled or approached. It is to this side of American life, a side which is still defective, that our energies should now be chiefly bent.

Let me repeat, that the most excellent city is not the one which contains the greatest wealth, population or splendor, but it is the city which has thought the greatest thoughts, which has performed the most glorious deeds, which represents the noblest character.

But the thought may perish, or the deed may be forgotten if it be not recorded in indestructible form. Let us then see to it that the record of what our citizens have done is commensurate with the deed recorded. Carthage lives but little in history because there is not a line extant from the pen of a Carthaginian, and her record has been written by her foes and her conquerors.

If then you would have your city permanently renowned, cherish your own distinguished men and the things they have performed. Let their names not perish from among you. Commemorate them in bronze, on

canvas, and in story, and more than this, afford them the amplest opportunities to commemorate themselves.

Perhaps among you there may be found some author, statesman, poet, sculptor, painter, architect, inventor who may thus create for your city what shall be in future times its proudest claim to immortality. See to it that those men have recognition now, while they still live. It did little good to Columbus for posterity to rear statues to his memory while his contemporaries loaded him with chains. Cherish these men while they are still among you and give them places of honor in the grateful hearts of their fellow-citizens. Let jealousy, envy, rivalry and bickering be forgotten. Cherish them, not because you may approve of all they say and do, but because they are yours and because their words and deeds may do more to promote the real eminence of your community than the tallest building or the most productive manufactory in the world. [Great applause.]

MAYOR GUTHRIE: *Ladies and Gentlemen:* Those of you who belong to Pittsburgh and those who are our guests here I think will join with me in gratification at the knowledge that the lessons which we have received during this week will not be fruitless. It has already been arranged that a commission will be appointed to take charge and make history and remove from existence many and perhaps all evils which have been pointed out to us by our kindly friends. It gives me great pleasure to announce to you that our fellow citizen, Mr. H. D. W. English, has consented to act as chairman of the commission which has been appointed. [Great applause.] Mr. English, I think that the sentiment which has been displayed is a proper appreciation of your self-sacrifice in undertaking this great and beneficent work. Good night. [Applause.]

The meeting then adjourned.

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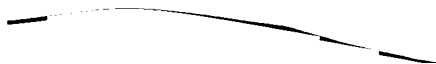
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